

In re Nathan Benjamin Damigo  
United States Bankruptcy Court, Eastern District of California  
Case No. 19-90003-E-7  
*Sines, et al. v. Damigo*  
Adv. Pro. No. 19-09006

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of Plaintiffs' Motion for Summary Judgment**

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# **PLAINTIFFS' EXHIBIT 1**

Sines, et al. v. Kessler, et al., 3:17CV72, 10/29/2021

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

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ELIZABETH SINES, ET AL., CIVIL CASE NO.: 3:17CV72  
OCTOBER 29, 2021, 9:20 AM  
JURY TRIAL, DAY 5

Plaintiffs,

vs.

Before:

HONORABLE NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE  
WESTERN DISTRICT OF VIRGINIA

JASON KESSLER, ET AL.,

Defendants.

\*\*\*\*\*

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Sines, et al. v. Kessler, et al., 3:17CV72, 10/29/2021

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N. Romero - Direct

1 essentially. I couldn't make it out at first. But yeah.

2 Q And did you hear any words?

3 A Eventually.

4 Q And when you did hear words eventually, what were they?

5 A "Blood and soil" was one of them. "White power" were  
6 others. You know, there was another one that I hate repeating  
7 because it just -- I, like, hear it in my nightmares. I hear  
8 it if the phone buzzes. I, like, literally hear the same  
9 cadence. The "you will not replace us" was very, you know --  
10 like, that one was just so terrifying. You could hear it the  
11 whole time, the cadence.

12 Q And after you heard the words that you just said, "you  
13 will not replace us" and "blood and soil" and "white power,"  
14 what did you do?

15 A Looked down. Closed my eyes. Prayed a little bit. I  
16 looked around. I was like, oh, my gosh. I didn't have  
17 anything to cover my face. I really wish I did cover my face.  
18 I was terrified.

19 Q And can you describe for the jury where, with respect to  
20 the statue, were you standing?

21 A So if you're standing at the steps of the Rotunda looking  
22 down, I am on the left side. And if you're on the street, I  
23 guess I'm on the other side.

24 Q And how close were you to the statue?

25 A Very close.

N. Romero - Direct

1 swarming down towards us. And then we were like -- it just  
2 happened so quickly. They surrounded us so quickly. Yeah.  
3 It's not at all how I expected my night to go.

4 Q How did you expect your night to go?

5 A I have expected to, like, see some friends and go home and  
6 have a good night.

7 Q And you said earlier that you had wished that you brought  
8 something to cover your face with. Why do you say that?

9 A Because once they started to surround us they, like, kind  
10 of directly came at Devin and I. And they were saying very  
11 specific things to us. So I wish I covered my face, because I  
12 felt that I was going to be, like, followed later, or my  
13 family. You know, I just -- I felt that I was going to be very  
14 personally attacked. And I was, so -- yeah, I just wish I  
15 could have concealed myself more and protected me from what  
16 ended up happening later.

17 Q You mentioned just a second ago that certain things were  
18 said to you. Can you explain what you're talking about?

19 A Yeah. It was like, "Go back to where you came from."

20 "What the fuck are you doing here?"

21 "Stupid bitch."

22 Stuff like that.

23 Monkey noises.

24 Q Mrs. Romero, I'm going to ask you to look in the book you  
25 have in front of you at Exhibit PX2695.

N. Romero - Direct

1 MS. DUNN: Your Honor, I think we can also put it on  
2 the screen for the witness, which might make it easier on her  
3 with the binder.

4 BY MS. DUNN:

5 Q Ms. Romero, do you see the photograph on the screen?

6 A Yes.

7 Q Do you recognize this photo?

8 A Yes.

9 Q Can you identify yourself in the photo? Just yes or no.

10 A Yes.

11 MS. DUNN: Your Honor, we'd move to admit PX2956 and  
12 seek permission to publish to the jury.

13 THE COURT: All right. Without objection, it's  
14 admitted.

15 MR. SMITH: No objection, Your Honor.

16 MR. KOLENICH: No objection.

17 (Plaintiff Exhibit 2695 marked.)

18 (Plaintiff Exhibit 2695 admitted.)

19 BY MS. DUNN:

20 Q Ms. Romero, can you identify yourself in this photo?

21 A Yes.

22 Q Can you explain where you are?

23 A Yeah. It's very light. You can see the back of my head,  
24 essentially. The screen, to me, I can't really see, but...

25 Q Can you see in your book?



N. Romero - Direct

1 A Yes. If you can tell, there's Devin next to me. You can  
2 see his back.

3 Q Is this a photo from the Thomas Jefferson statue on the  
4 night of Friday, August 11?

5 A Yes.

6 Q Can you explain to the jury what they're seeing in this  
7 photograph?

8 A Well, they're seeing a group of students around the  
9 statue. As you can tell, it's basically surrounded 360.

10 Q Ms. Romero, I'd like to do the same thing with  
11 Exhibit 3011, which we can put up on the screen for you, and  
12 it's also in your book.

13 A Do I just not know how to use this?

14 But yes, I see the image on the screen.

15 Q You see it on the screen.

16 Is this also a photograph from the night of August 11th?

17 A Yes.

18 MS. DUNN: Your Honor, we move to admit and seek to  
19 publish PX3011.

20 THE COURT: Without objection, it's admitted.

21 MR. SMITH: No objections, Your Honor.

22 (Plaintiff Exhibit 3011 marked.)

23 (Plaintiff Exhibit 3011 admitted.)

24 BY MS. DUNN:

25 Q Ms. Romero, can you explain to the jury what you see in

N. Romero - Direct

1       For reference, I'm 4'10" and a half. I'm tiny. And  
2 everyone just giant, screaming -- literally, the torches were  
3 like -- they were doing this. So I was like, they're about to  
4 hit me with this. And like, I wanted to move. I tried to  
5 move. But no -- I don't know why they did this, right, but  
6 like threw the torch at us and it landed at our feet. Like  
7 not -- I can't even say a foot. I'm saying like centimeters  
8 away from my foot.

9       So, that. I would say that. I would say the mace that  
10 was sprayed at us, because they were spraying mace at us. Mind  
11 you, we're not doing anything. We're holding hands. We were  
12 singing at first. Then it was like complete silence. Like,  
13 what do we -- like, what am I going to sing right now? I'm,  
14 like, terrified. The mace and then -- yeah.

15 Q     Did you witness any physical violence?

16 A     Yes. Yes. I saw, like, them attack people, yeah.

17 Q     You said earlier that you couldn't get out. How long did  
18 that last?

19 A     It felt like forever.

20 Q     Did you eventually get out?

21 A     Yes.

22 Q     And how did that happen?

23 A     I ran through where you see that sign, the students  
24 holding the sign, in that direction. I wish I could point it.  
25 But, like, through the front, and then tried to exit through

N. Romero - Direct

1 singing happy, like, church songs. I believe they might have  
2 been on the floor, some of them.

3 Q You believe what?

4 A They were on the floor, like just kind of along the  
5 sidewalk. They weren't blocking the street. They were just,  
6 like, in a line.

7 And then there was another -- on the other end there were  
8 groups of protesters that were coming in in lines. So they  
9 were coming in, like, uniformly, in single-file lines, kind of.  
10 And they were coming in with a lot of things. So I mean, do  
11 you want me to, like, just describe some of that?

12 Q I do.

13 First, though, I want to just make sure that we're on the  
14 same page when you say protesters and counter-protesters.

15 A Yes.

16 Q So when you say "protesters," who are you talking about?

17 A I'm referring to them, to, like, people who identify as  
18 neo-Nazis and other stuff.

19 Q When you say "counter-protesters," who are you talking  
20 about?

21 A Referring to the community members that were outside, the  
22 clergy, I guess. That would be counter.

23 I'm trying to also keep up with the words.

24 Q Yeah. I understand.

25 And when you say you saw clergy, did you see anybody that

N. Romero - Direct

1 you recognized?

2 A There was a famous pastor in there and a couple of other  
3 folks.

4 Q What's the name of the famous pastor, if you know?

5 A It's on the tip of my tongue. You know, beard. I don't  
6 remember his name.

7 Q It's okay. And as far as you could see, did any people in  
8 the line of clergy you discussed have any weapons with them?

9 A No.

10 Q And based on what you saw, were they blocking the road?

11 A No.

12 Q And just a couple of minutes ago you said that you saw  
13 some protesters -- which I think we're all on the same page  
14 that you're talking about the white nationalists. Can you  
15 explain what you saw?

16 A I saw -- my God. I saw hammers. I saw makeshift poles.  
17 I saw a long, like, steel pole that didn't have anything on it.  
18 I saw a bunch of others with flags. You know, I saw a couple  
19 Texas flags, Confederate flags, flags with different symbols  
20 that I now kind of have actually learned to recognize them,  
21 unfortunately. Then I didn't know what they were. Shields of  
22 all kinds, makeshift, others that had, like, bats in the back,  
23 and then the shields. I saw white shields, all kinds of  
24 colored, like, things on them.

25 I saw people with camcords on their side, recording very

N. Romero - Direct

1 specifically people's faces, people's faces that weren't doing  
2 anything, just kind of like -- what I learned to understand is  
3 the term "doxing," you know, getting people's identities. I  
4 saw, like, for example, one of the camcord recording persons  
5 had Hitler on his T-shirt. There was multiple people with  
6 Hitler on T-shirts, swastikas, lots of that. Lots of that.

7 Jugs. People were holding jugs of stuff.

8 So much. So much.

9 Q At any point that morning did you witness firsthand any  
10 physical violence?

11 A Yes.

12 Q Please explain.

13 A One of the filed lines that were coming in -- so there's a  
14 library in that corner. You could see it on where it says  
15 Emancipation Park, there's an intersection. It seemed that  
16 there was -- I don't know how many entrances there were for the  
17 protesters to go into the park, but a lot of people were trying  
18 to find their entrance, and then they would, like, line up in  
19 one way and then they'd have to walk around behind the clergy  
20 to the other entrance, or they would go, like, in front of them  
21 on the sidewalk.

22 I saw kind of like the shoving of certain clergy, of  
23 students. And then at that intersection right in front of the  
24 library, multiple instances right there. There was like --

25 THE COURT: It would be helpful on the Emancipation

N. Romero - Direct

1 Q Please tell the jury, Ms. Romero, what happened after you  
2 turned up Fourth Street.

3 A Can you repeat the question?

4 Q Please tell the jury, Ms. Romero, what happened after you  
5 turned up Fourth Street.

6 A It happened very quickly. I -- I think I was taking a  
7 Snapchat video. Didn't keep the video, obviously, because I  
8 didn't get to finish the video, but I turned in very -- not too  
9 far into this way, I guess. Do you want me to describe  
10 essentially -- okay.

11 Okay. Someone said: "Turn left." I don't know who. We  
12 started making a left. I go in. Really quick -- it was like  
13 (indicating) -- you hear someone like -- you heard, like, the  
14 commotion, like -- I couldn't tell what it was, but I was  
15 pretty close to the front, so -- it all happened so quick.

16 Do I keep going?

17 Q Yes, please.

18 A Okay.

19 Q You can take your time.

20 A Yeah, there was -- we passed by other vehicles. People  
21 inside were smiling and like, "ooh." Like, they were clearly  
22 trying to make their way through. I was on the left side,  
23 like, not blocking the cars, just walking.

24 I'm passing a -- kind of like a black truck. I'm like --  
25 with Chelsea. And -- yeah, and then I get hit, and, like, the

N. Romero - Direct

1 next thing I know is just darkness.

2       You know in movies when it's like (indicating sounds), and  
3 like that. Like, I could hear my heart beating. You know  
4 those war scenes where they're having, like -- they were just  
5 hit or something, and it's just flashing. And I couldn't see  
6 too much, but I felt dripping on my face. And I'm like, I need  
7 to call my mom, I need to call my mom, because what I was  
8 feeling in that moment is like, what's happening? One, what  
9 just happened to me? Two, I felt that if I -- like, if I  
10 closed my eyes further or if I stood still that I was just  
11 going to, like, fall into -- into, like, a sleep. I was like,  
12 if I fall asleep -- it's something that -- you know, in  
13 trainings we were taught that all the time: Keep  
14 consciousness. Keep your consciousness, because you could die.

15       So that's what I thought was about to happen. I thought  
16 that I was about to die. Like, I was like, these are my last  
17 seconds of breath. I need to call my mom right now. I  
18 couldn't stand, though. So I'm just, like, aimlessly, like,  
19 waving my arms, what I feel.

20       I'm on the other side of the truck. So I clearly, like,  
21 he hit me and I was in the middle somewhere, like, of the back  
22 of the truck part. So what I feel happened was that he hit me  
23 with his car, because I was hit directly by the car, not in  
24 between or by any other vehicle. I flipped and then I slid.  
25 So I think I hit, boom, like, boom, like this, and then I

N. Romero - Direct

1 flipped on the side and then the side like that, like the  
2 impact, you know, just...

3       Somebody -- I heard someone pull me. And like -- I felt  
4 it obviously, but someone pulled me. So that's -- I believe  
5 that if I hadn't been pulled, he would have run over my legs.  
6 I had other friends whose legs were run over. So I believe  
7 that would have been the case.

8       Yeah, he -- the flashes, the noise. Someone -- a lot of  
9 people are trying to talk to me. A lot of people are trying to  
10 keep me awake. Other people were asking what I needed, if I  
11 needed anything. I don't know what I need. I don't know  
12 what's happening. I don't know what just happened to me. I  
13 just know that I need my phone. I need to call my mom. I lost  
14 my phone. No one had it. No one could find it.

15       And then they pulled me to the sidewalk where there was a  
16 pole. I was holding the pole because I -- I just wanted to lay  
17 down. I just -- but I knew if I laid down I would fall asleep.  
18 And if I fell asleep, I might not wake up. So I'm just going  
19 to hold onto this fucking pole. I'm just going to hold onto  
20 the pole.

21       And then someone was helping me. A lot of people were  
22 helping me. Some of that is a blur. And then someone is  
23 speaking in Spanish to me. Other people are doing other  
24 things. And then two people familiar to me picked me up and  
25 were like, we need to take you to the ambulance. But the



N. Romero - Direct

1 know, it was like maybe the fourth time that I woke up that  
2 they said that it was going to be difficult, but they think I  
3 was going to be able to walk. And then I found out I had like  
4 MRIs and all this stuff done to me while I was unconscious.

5 Q And please describe at that point what injuries you had.

6 A So the -- was a skull fracture right here. And they,  
7 while I was unconscious, stitched it up. So there's multiple  
8 stitches you can see and feel right here. It's now flat.  
9 There's no curve to this part of my forehead anymore.

10 I had -- the tooth right here was fractured. So there  
11 was -- it shattered the root of my tooth right next to the -- I  
12 think it's the molar, right? This one? So that's dead.  
13 That's a dead tooth in me now. It was pushed back and the  
14 impact of the tooth and everything cut open my lip. So I had  
15 multiple stitches also done while unconscious. It was, like,  
16 ginormous. I couldn't drink water. I couldn't drink anything  
17 hot. I could barely eat.

18 So that's boom, boom (indicating). I had stuff -- you all  
19 can't really see it, but I have scars here. That's, like, a  
20 dark -- and here. And I think it's because I tried to stop  
21 myself. On instinct I tried to cover my face. But, you  
22 know...

23 And then I have cuts and bruises all over my knees, my  
24 shins. There was -- yeah, they had stuff on my legs. So there  
25 was some leg injury there, back, et cetera. So I had, what it

N. Romero - Direct

1 was is a severe concussion, skull fracture, lip laceration, the  
2 shattered root of a tooth, amongst other things.

3 Q And Ms. Romero, I'm going to ask you to look at  
4 Plaintiffs' Exhibit 3043. Do you recognize that?

5 A Yes.

6 MS. DUNN: Your Honor, we'd seek to admit Exhibit  
7 3043 and publish it to the jury.

8 THE COURT: It will be admitted without objection.

9 (Plaintiff Exhibit 3043 marked.)

10 (Plaintiff Exhibit 3043 admitted.)

11 BY MS. DUNN:

12 Q Ms. Romero, please explain to the jury what they are  
13 seeing in this photograph.

14 A You can kind of see the big scratch on my forehead. They  
15 were covering where they had just stitched up the fracture, my  
16 skull fracture. So you can see there was stuff on my nose, on  
17 the bridge here of my face, there was a whole bunch under here,  
18 under my chin.

19 This is a selfie I took later. I actually couldn't use my  
20 phone for a couple hours when I woke up. I couldn't remember  
21 the password to my phone. I panicked because, like, I didn't  
22 get my phone until hours after I had regained consciousness. I  
23 lost, like, memory of the day and couldn't even figure out my  
24 password. So I was like -- that sent me into a panic. How can  
25 I not remember my password? Like, what is it? How can I

D. Willis - Direct

1 paused, what happened next?

2 A Yeah, so what happens next is that you start seeing --  
3 yeah, you start to see the glow, this mysterious glow on the  
4 other side of the Rotunda. And the shouting and growling,  
5 whatever, gets louder, and these people, these lights, start,  
6 like, rushing over the steps.

7 So you can see the steps from where I'm standing -- I can  
8 see the steps from where I'm standing, and this ocean of light  
9 and flames just starts spilling over both sides of the steps,  
10 and it's washing down, and you start to hear what they're  
11 saying in this, like, really awful chant. And they basically  
12 just rushed the entire area and surrounded all of us in a  
13 matter of seconds.

14 Q Was the size of the crowd that you saw coming over the  
15 Rotunda toward you the number of folks you had expected would  
16 be there?

17 A Not at all. I realized as they were coming and as it was,  
18 you know, too late to go anywhere that I was really wrong about  
19 how many people would be there.

20 Q You said you heard an awful chant. Do you remember what  
21 they were saying?

22 A Yes. They were saying "blood and soil," "Jews will not  
23 replace us," and "you will not replace us".

24 Q This might seem obvious, but what, to you, was awful about  
25 those chants?

D. Willis - Direct

1 know that -- yeah, that's what I want to say. They were  
2 shouting so many hateful things. I was really just focused on  
3 not listening to it and not letting it scare me more than I was  
4 already.

5 Q At the point that the white nationalists surrounded you  
6 with torches, they're chanting hateful things, did you want to  
7 leave?

8 A Yes, I wanted to leave.

9 Q Why didn't you?

10 A I was unable to. I was surrounded on all sides by tiki  
11 torches.

12 MS. CONLON: Can we put up PX2680, please, for the  
13 witness, and clear the screen?

14 BY MS. CONLON:

15 Q Do you recognize the picture on your screen?

16 A Yes.

17 Q How are you able to recognize it?

18 A Yeah, I'm -- once again, I'm picturing it. I can't see  
19 myself in the picture here.

20 Q Do you recognize the event shown in the picture?

21 A Yes.

22 Q What day is it from?

23 A 8/11.

24 Q Is this a fair and accurate depiction of what the scene  
25 looked like on August 11th?

D. Willis - Direct

1 you.

2 Q So how did you hide your face to avoid being doxed? What  
3 did you do?

4 A Well, looking back, I mean -- yeah, I mean, it wasn't very  
5 effective; but I was just trying to look at the floor, at my  
6 toes.

7 Q You also said you put your face down to avoid things being  
8 thrown at you.

9 A Yeah.

10 Q What was being thrown at you at that time?

11 A Yeah, so from where I was standing it was very visible  
12 that tiki torches, still on fire, were being thrown in our  
13 direction. So tiki torches are being thrown. They're also  
14 being wielded as weapons. They're being swung at the crowd,  
15 and X, Y, and Z, so you're just trying to make yourself as  
16 small as possible so you get hit by as few things as possible.

17 And also, there's a lot of pepper spray in the air.

18 Q Could you see who was throwing the tiki torches?

19 A It was coming from the direction that the white  
20 nationalists were coming from.

21 Q And you said something about pepper spray?

22 A Yeah. So also from that direction, lots of pepper spray  
23 was being sprayed, and -- like, repeatedly in my direction. So  
24 I'm trying to keep my head down and, like, not choke.

25 Q Were you able to avoid the pepper spray?

D. Willis - Direct

1 A I mean, no. Like, one, it gets sprayed directly in your  
2 direction so you can't -- and you can't run. So I couldn't get  
3 away from it. And yeah, I was pepper-sprayed.

4 Also, like after it gets sprayed, it lingers in the air.  
5 So if this goes on for however many minutes, then it's like  
6 there's no fresh air left to breathe. All you can do is just  
7 try to get lower.

8 Q Apart from lit torches, did anyone throw anything else at  
9 you?

10 A Yes. I remember that someone from the direction of the  
11 mob threw some, like, mysterious fluid. It looked like it came  
12 out of somebody's tiki torch canister, and they threw it at the  
13 direction of our feet, which, like I told you, it made me think  
14 that -- yeah...

15 Q What did you think the liquid was that was thrown at your  
16 feet out of what appeared to be a tiki torch canister?

17 A Yeah, it seemed like it might be some type of lighter  
18 fluid or something like that, and I thought that their strategy  
19 was going to be to burn us alive.

20 Q Did any of the fluid that you believed was lighter fluid  
21 get on your person or your clothes?

22 A Yeah. It got on and near my shoes, which was really  
23 scary. So I tried to just get -- maybe, like, break the trail.  
24 And so I tried to stand further on, like, the marble of the  
25 statue and off of the brick that was, like, now doused.

D. Willis - Direct

1 counter-protesters there?

2 A Yes.

3 Q What about white nationalists?

4 A There were loads of them.

5 Q Were there more white nationalists than  
6 counter-protesters?

7 A It looked like it on the street, yeah.

8 Q Were you able to tell whether, by that point, there were  
9 white nationalists in Emancipation Park?

10 A Yes. So the park, you couldn't even see into the park  
11 because all along the perimeter of the park these guys are just  
12 hanging out on the edges and heckling all the passerby and all  
13 the counter-protesters. They seemed more interested in what  
14 was happening in the street than what was happening inside  
15 their rally.

16 Q Were the white nationalists near you chanting anything?

17 A Yeah, they were chanting all kind of stuff; a lot of the  
18 same things from the night before, like the "white power" and  
19 the -- yeah, I remember "white power" in this moment.

20 Q How did the -- how were the white nationalists dressed?

21 A So you saw a lot of the same uniform from the night  
22 before. The vast majority of them had some combination of  
23 white top, white dress shirt with khaki or navy bottoms,  
24 whatever, kind of like the school uniform. But then you also  
25 saw a lot of people in riot gear, like this tactical armor,

D. Willis - Direct

1 these, like, militia, like, fake-fatigue kind of getups. You  
2 had people wearing helmets, carrying massive Nazi flags, or  
3 Third Reich flags, whatever you want to call them. There was a  
4 lot more paraphernalia. And they were just trying to, like --  
5 it looked like a costume party or something. It was weird.

6 Q Did you see any weapons on any of the white nationalists?

7 A Yes. A lot of them had holstered weapons, especially the  
8 men in the park, holstered weapons on their hips that, just  
9 like July 8th, they were constantly pointing to, armed with  
10 pepper spray, which you can also see on their hip or in their  
11 hands, and then the flags and the poles and the bats and, like,  
12 the wooden sticks they were carrying were weapons, or were  
13 doubling as weapons as well. Similar haircuts again and --  
14 yeah.

15 Q When you say that objects like flags were doubling as  
16 weapons, what do you mean?

17 A Yeah, I saw a lot of people who would, like, roll up their  
18 flags and strike people with them.

19 Q So you're standing in front of the library with the  
20 student march folks.

21 A Yeah.

22 Q There are white nationalists around you. What are you and  
23 the other students doing?

24 A So like I said, this time I'm keeping a very safe  
25 distance. I don't really leave that vicinity before the state



Sines, et al v. Kessler, et al., 3:17CV72, 10/29/2021

1 C E R T I F I C A T E

2 I, Lisa M. Blair, RMR/CRR, Official Court Reporter for  
3 the United States District Court for the Western District of  
4 Virginia, appointed pursuant to the provisions of Title 28,  
5 United States Code, Section 753, do hereby certify that the  
6 foregoing is a correct transcript of the proceedings reported  
7 by me using the stenotype reporting method in conjunction  
8 with computer-aided transcription, and that same is a  
9 true and correct transcript to the best of my ability and  
10 understanding.

11 I further certify that the transcript fees and format  
12 comply with those prescribed by the Court and the Judicial  
13 Conference of the United States.

14 /s/ Lisa M. Blair

Date: October 29, 2021

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# **PLAINTIFFS' EXHIBIT 2**

Sines, et al. v. Kessler, et al., 3:17CV72, 11/02/2021

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

\*\*\*\*\*

ELIZABETH SINES, ET AL., CIVIL CASE NO.: 3:17CV72  
NOVEMBER 2, 2021, 9:03 AM  
JURY TRIAL, DAY 7

Plaintiffs,

vs.

Before:  
HONORABLE NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE  
WESTERN DISTRICT OF VIRGINIA

JASON KESSLER, ET AL.,

Defendants.

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Sines, et al. v. Kessler, et al., 3:17CV72, 11/02/2021

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M. Heimbach - Direct

1 march at Charlottesville 1.0?

2 A Correct.

3 Q And were the torches used because you didn't have  
4 flashlights; you needed to light the way?

5 A No, I don't believe so.

6 Q And are you aware that the torch march was Nathan Damigo's  
7 idea based on a torch march in Germany? Did you know that?

8 A No, I did not.

9 Q All right. And after the public events with  
10 Charlottesville 1.0, there was a private after-party that you  
11 attended, generally only attended by white nationalists. You  
12 recall that?

13 A Yes.

14 Q All right. I'd like to show you Plaintiffs' Exhibit 941,  
15 which is a Discord post. You recognize yourself there?

16 A Yes.

17 MS. DUNN: Your Honor, we move to admit Plaintiffs'  
18 Exhibit 941.

19 (Plaintiffs' Exhibit 941 marked.)

20 (Plaintiffs' Exhibit 941 admitted.)

21 THE COURT: It will be admitted.

22 BY MS. DUNN:

23 Q This is a photo of you, Mr. Spencer, and another  
24 individual.

25 A Correct.

M. Heimbach - Direct

1 Q And it looks like you're in somebody's house for the  
2 after-party. Is that right?

3 A Correct.

4 Q That's Mr. Spencer next to you in the green?

5 A Yes.

6 Q And in this photo you and the other person next to you are  
7 making the white power symbol with your hands; do you see that?

8 A We are making an "okay" sign, yes.

9 Q Are you going to deny that the reason you're making the  
10 "okay" sign is because it's also the white power symbol?

11 A Well, I would say the usage of that sign was to speak to  
12 the hysteria, specifically of the media, that any sort of  
13 symbol or any outlandish sort of thing could be turned into the  
14 next news story of the alt-right. So it was playing, really,  
15 on the media that was so eager to jump onto any sort of  
16 symbolism or things like that. It's a joke, yes.

17 Q So it's a joke, and your testimony is that the reason this  
18 was posted in a private Discord chat is so the media would see  
19 it?

20 A Well, it was -- the picture was taken and distributed  
21 other places, I believe, as well.

22 Q Okay.

23 A But the usage of the symbol, yes, was really a kind of  
24 tongue-in-cheek sort of thing that really characterizes a lot  
25 of the alt-right subculture.

Sines, et al v. Kessler, et al., 3:17CV72, 11/02/2021

C E R T I F I C A T E

I, Lisa M. Blair, RMR/CRR, Official Court Reporter for the United States District Court for the Western District of Virginia, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings reported by me using the stenotype reporting method in conjunction with computer-aided transcription, and that same is a true and correct transcript to the best of my ability and understanding.

I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

/s/ Lisa M. Blair

Date: November 2, 2021



# **PLAINTIFFS' EXHIBIT 3**

Sines, et al. v. Kessler, et al., 3:17CV72, 11/03/2021

1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF VIRGINIA  
3 CHARLOTTESVILLE DIVISION

\*\*\*\*\*

4 ELIZABETH SINES, ET AL., CIVIL CASE NO.: 3:17CV72  
5 NOVEMBER 3, 2021, 8:59 AM  
6 JURY TRIAL, DAY 8

Plaintiffs,

7 vs.

Before:

HONORABLE NORMAN K. MOON

UNITED STATES DISTRICT JUDGE

8 JASON KESSLER, ET AL.,

WESTERN DISTRICT OF VIRGINIA

9 Defendants.

10 \*\*\*\*\*

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24 PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY;  
25 TRANSCRIPT PRODUCED BY COMPUTER.

Sines, et al. v. Kessler, et al., 3:17CV72, 11/03/2021

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D. D'Costa - Direct

1 Q What did you hear?

2 A From inside my Lawn room, I could hear the chants of "you  
3 will not replace us." And then I heard "Jews will not replace  
4 us," in that, like, rhythmic chant.

5 Q And could you describe the tone of what you were hearing?

6 A I could only describe it as like an angry mob. It was  
7 loud. It kept going. It was like this guttural belly chant  
8 that just kept going, of, like, "Jews will not replace us,"  
9 over and over again.

10 Q Was your door closed at that time to the Lawn?

11 A It was.

12 Q Did you try to see what was going on?

13 A Once I heard the chants, I looked out my peephole, and so  
14 I was looking through that peephole to see what was happening.

15 Q And how big was that peephole?

16 A Maybe an inch, half an inch.

17 Q And did you have your eye right at the peephole?

18 A Once I heard the chants, I was staring through the  
19 peephole, just trying to figure out what was happening on the  
20 other side.

21 Q What did you see?

22 A Through the peephole I just saw, like, the flames going  
23 from the south end of the Lawn north. And I just saw, like, a  
24 continual stream of flames.

25 Q Were there people marching or walking? What did you see

D. D'Costa - Direct

1 in respect of the flames?

2 A I saw the people holding the flames marching up the Lawn.

3 Q So you didn't just see one person standing through the  
4 peephole?

5 A No. It was a mass.

6 Q And where were the people in relation to your front door  
7 that you were looking through?

8 A My door opened straight onto the Lawn. They were no more  
9 than four yards in front of me. Just the sidewalk and then the  
10 grass, and they were right on the grass.

11 Q Describe how you felt at that moment?

12 A I was terrified. As a Jewish person, hearing "Jews" --  
13 MR. KOLENICH: Objection. Your Honor has ruled on  
14 this, the emotional impact of third parties, as part of  
15 pretrial.

16 MR. LEVINE: Your Honor didn't rule on this. This  
17 witness --

18 THE COURT: Not with regard -- she's not a plaintiff  
19 in the case, right?

20 MR. LEVINE: She's not, Your Honor. But she's  
21 describing for herself the events of August 11th.

22 THE COURT: All right. She's just telling her  
23 present-sense impression.

24 MR. LEVINE: Exactly.

25 THE COURT: So that's fine.

D. Lipstadt - Direct

1 A White genocide replacement theory, white replacement  
2 theory, sometimes it's called white Christian replacement  
3 theory.

4 Q Did you see -- in the materials you reviewed for this  
5 case, Professor Lipstadt, did you see evidence of this idea of  
6 replacement theory?

7 A I saw it in an overwhelming fashion, more than I expected  
8 to see it. Certainly from the first night of the -- of the --  
9 at the events at the University of Virginia with the march,  
10 "Jews will not replace us," which confused many people because  
11 they said what is that about? What are they talking about  
12 there? But that's what that was about.

13 Q Let's watch just a very quick clip of that. Let's use,  
14 Mr. Spalding -- and I apologize for calling you by the wrong  
15 name. But let's watch a clip of Plaintiffs' 3474, 1:50 to  
16 2:10, which is in evidence.

17 (Video playing.)

18 MS. KAPLAN: With the volume. Can we get volume?

19 (Video playing.)

20 BY MS. KAPLAN:

21 Q The jury has seen this a bunch of times so I think they  
22 have the idea.

23 Professor Lipstadt, can you tell me whether the tiki  
24 torches that you see in that video, whether they have any  
25 resonance in terms of the issues you study?

D. Lipstadt - Direct

1 A They definitely have resonance. Though they've been used  
2 in many places, and you could put one in your backyard to ward  
3 off mosquitoes or something, but when used in a rally, with the  
4 fire, with the marching, that is very much evocative, it  
5 evokes, it reminds one who has studied this of the propaganda  
6 techniques of the person I previously mentioned, Joseph  
7 Goebbels, who was one of Hitler's closest associates.

8 Every time there was a major event, including on January  
9 30th, 1933, the night Hitler became chancellor, he would  
10 organize one of these marches, with fire, with the tiki  
11 torches. And they -- for a historian who studies this period,  
12 the connection is absolutely clear.

13 Q Professor, I'm going to ask Mr. Spalding to put up  
14 Plaintiffs' Exhibit 1827, which was in evidence through  
15 Mr. Heimbach, and I think the record reflects that it was  
16 written by Mr. Heimbach. And I want to look at the first  
17 paragraph, and ask you, focusing on that paragraph and  
18 especially the last sentence, what that says to you about this  
19 kind of ideology at play, at least in this document?

20 A Can I read it aloud?

21 Q Please.

22 A "The Unite the Right event in Charlottesville, Virginia,  
23 on August 12th is going to be more than yet another successful  
24 nationalist event for our rapidly growing and rapidly moving  
25 cause. It's going to be a defining rally, proving that the



Sines, et al. v. Kessler, et al., 3:17CV72, 11/03/2021

C E R T I F I C A T E

I, Lisa M. Blair, RMR/CRR, Official Court Reporter for the United States District Court for the Western District of Virginia, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings reported by me using the stenotype reporting method in conjunction with computer-aided transcription, and that same is a true and correct transcript to the best of my ability and understanding.

I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

/s/ Lisa M. Blair

Date: November 3, 2021

# **PLAINTIFFS' EXHIBIT 4**

Sines, et al. v. Kessler, et al., 3:17CV72, 11/04/2021

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

\*\*\*\*\*

ELIZABETH SINES, ET AL., CIVIL CASE NO.: 3:17CV72  
NOVEMBER 4, 2021, 9:03 AM  
JURY TRIAL, DAY 9

Plaintiffs,

vs.

Before:  
HONORABLE NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE  
WESTERN DISTRICT OF VIRGINIA

JASON KESSLER, ET AL.,

Defendants.

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Sines, et al. v. Kessler, et al., 3:17CV72, 11/04/2021

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R. Spencer - Direct

1 A Yes. There's a little bit of dispute there, but yes.

2 Q You have given dozens of speeches on the topic of white  
3 nationalism, right?

4 A Yes.

5 Q You would agree with me, Mr. Spencer, that you are a  
6 powerful and bold speaker, right?

7 A Thank you, Mr. Bloch.

8 Q Do you agree with that?

9 A Yes, I do.

10 Q You know how to persuade people with your words, right?

11 A Yes.

12 Q And by 2017, you had become the most well-known alt-right  
13 publisher and activist in the United States; isn't that true?

14 A That's fair.

15 Q And you had become one of the leaders of the white  
16 nationalist movement in this country, right?

17 A That's fair.

18 Q And as a leader of the white nationalist movement, by  
19 2017, you had developed relationships with other leaders in the  
20 movement, right?

21 A Yes.

22 Q You were friends in 2017 with Nathan Damigo?

23 A Yes.

24 Q He was the leader of Identity Evropa, correct?

25 A Correct.

R. Spencer - Direct

1 BY MR. BLOCH:

2 Q Did you say that, Mr. Spencer, in 2017?

3 A Yes.

4 Q And when you say, "2017 is the IRL war," "IRL" stands for  
5 "in real life," right?

6 A Correct.

7 THE COURT: Did you say what the date of that was?

8 MR. BLOCH: October 2017.

9 BY MR. BLOCH:

10 Q Mr. Spencer, you're familiar with the concept of  
11 triggering?

12 A Yes.

13 Q And triggering is sending a message that provokes an angry  
14 response, right?

15 A Yes.

16 Q You agree that one of the goals of white nationalist  
17 rallies in 2017 was to trigger other people, right?

18 A Yes.

19 Q Now, there was a rally that took place in April of 2017 in  
20 Berkeley, California, right?

21 A April of 2017?

22 Q Correct.

23 A I believe so. I don't know the exact date.

24 Q You're familiar with the Battle of Berkeley, right?

25 A Yes.

R. Spencer - Direct

1 Q And that took place April 15, 2017, right?

2 A Fair enough. Yeah.

3 Q And a number of white nationalist groups attended that  
4 event, right?

5 A Right.

6 Q Including Identity Evropa and your friend Nathan Damigo?

7 A Yes.

8 Q And as we just discussed, that event became referred to as  
9 "the Battle of Berkeley," right?

10 A Right.

11 Q And at the Battle of Berkeley, your friend Nathan Damigo  
12 punched a 19-year-old woman in the face and knocked her down,  
13 right?

14 A Yes. There was a melee in which people were getting  
15 attacked and that's how it ended.

16 Q So my question is: Your friend, Nathan Damigo, punched a  
17 19-year-old woman in the face and knocked her down, right?

18 A Yes.

19 Q And you're aware that the woman that he punched was  
20 referred to by people in the alt-right as "Moldylocks," right?

21 A I remember that.

22 Q And that punch was captured on video, right?

23 A Yes.

24 Q And it became somewhat of an iconic moment in the  
25 alt-right, right?



R. Spencer - Direct

1 A Correct.

2 Q Now, you didn't attend that event, right?

3 A No.

4 Q But you did actually watch videos of the violence that  
5 occurred on social media at the time, right?

6 A Afterwards, but yes.

7 Q Well, virtually in real time, correct? Same day?

8 A Yes.

9 Q And the day after the violence happened you spoke about it  
10 on a video that you posted on alt-right.com, right?

11 A I remember that, yes.

12 Q And the video was called "What Berkeley Means"?

13 A Probably, yes.

14 Q You described on that video what happened at Berkeley was,  
15 quote, "a new normal, a world of politicized violence," right?

16 A Yes.

17 Q You said that: "War is politics by other means, but in a  
18 way, politics is war by other means. Politics is fundamentally  
19 nonconsensual. It is about the use of force," right?

20 A That's true, yes.

21 Q You said that, right?

22 A Yes.

23 Q You said: "We are in a new world of political actors  
24 occupying space," right?

25 A Right.

R. Spencer - Direct

1 Q And there were approximately 200 people that showed up at  
2 Charlottesville 1.0, right?

3 A That sounds about right.

4 Q And you were really happy about that, right?

5 A Yes.

6 Q And the reason why you were happy about it is because in  
7 your mind the alt-right movement was still continuing to grow,  
8 right?

9 A Right.

10 Q And one of the events that occurred at Charlottesville 1.0  
11 was a dinner, right?

12 A Yes. Are you referring to the after-party?

13 Q I'm referring to when there was a dinner where a number of  
14 people gave speeches.

15 A Yes, I remember that.

16 Q Mr. Kessler gave a speech, right?

17 A I wouldn't call it a speech, but he spoke.

18 Q Mr. Damigo gave a speech, right?

19 A Yes.

20 Q You gave a speech, right?

21 A Correct.

22 Q And there were a couple hundred white nationalists in the  
23 audience listening to you, right?

24 A Yes.

25 Q And in your speech at Charlottesville 1.0 you said -- you

R. Spencer - Direct

1 and myself. That is accurate.

2 Q You had, fair to say, regular calls?

3 A Yes, as I said.

4 Q And you discussed Unite the Right on those calls, right?

5 A Correct.

6 Q Fair to say that you and Mr. Damigo also shared the same  
7 objectives for Unite the Right, correct?

8 A I --

9 MR. KOLENICH: Objection as to what Mr. Damigo  
10 thought or what his objectives were.

11 MR. BLOCH: I'll withdraw it. Judge, I'll rephrase.

12 BY MR. BLOCH:

13 Q Fair to say that, as you understood Mr. Damigo's  
14 objectives for Unite the Right, you shared those objectives?

15 A As I understood them, yes.

16 Q And part of Mr. Damigo's role was to encourage people  
17 outside of Charlottesville to attend; isn't that right?

18 A IE members, yes.

19 Q Let's talk about Mr. Cantwell. You stated that  
20 Mr. Cantwell -- withdrawn.

21 You stated, quote, "Mr. Cantwell was an acquaintance, not  
22 a friend. We shared a few text messages, seven in total, one  
23 phone call. We ate lunch one time."

24 That's what you told this jury, right?

25 A Yes.

R. Spencer - Direct

1 A I -- I don't know Vanguard America fairly well. What does  
2 that flag look like? Or I guess I should say -- if you could  
3 back it up I could see what it was.

4 It's an eagle.

5 Q Do you see that flag?

6 A Yes, I do.

7 Q Okay. Would it be fair to say, Mr. Spencer, that you,  
8 Nathan Damigo, Christopher Cantwell, Jason Kessler were united  
9 leading a chant celebrating the violence that occurred at  
10 Berkeley about six weeks before Unite the Right; would that be  
11 fair to say?

12 A We're celebrating the Moldylocks -- yes.

13 Q And then after that event, you had a party at your place  
14 in Alexandria, right?

15 A Correct.

16 Q And your apartment was referred to as "the fash loft,"  
17 right?

18 A I'm sure people called it that, sure.

19 Q You knew that, right?

20 A I've heard that before, yes.

21 Q "Fash" is short for "fascist," right?

22 A Yes.

23 Q And a number of your co-defendants attended that party,  
24 right?

25 A Yes.

R. Spencer - Direct

1 Q Mr. Cantwell, right?

2 A I don't remember exactly, to be honest.

3 Q Would looking at your deposition testimony refresh your  
4 recollection?

5 A Well, it would be surprising if he weren't there. So yes.

6 Q We can agree he was there?

7 A We can agree, yes.

8 Q And Mr. Kline was there, right?

9 A Yes.

10 Q Mr. Damigo was there?

11 A Yes.

12 Q There were other members of the alt-right there?

13 A Yes.

14 Q And one of the things that you discussed at that party was  
15 Unite the Right, correct?

16 A I'm sure we discussed that at the party, yes.

17 Q In fact, you had three to five parties in the summer of  
18 2017 where Unite the Right was discussed, right?

19 A There is no doubt that at a party we would discuss Unite  
20 the Right, yes.

21 Q So my question is: You had three to five --

22 A I just answered yes, Mr. Bloch.

23 Q And those parties were private, right?

24 A Yes.

25 Q Nobody recorded those parties, right?

R. Spencer - Direct

1 (Video playing.)

2 Q Did you hear that, Mr. Spencer?

3 A I heard it this time. "We need some more guys to fill in  
4 this way to block them off," is that --

5 Q "To block these guys off."

6 A "To block these guys off."

7 Q Now, the fact of the matter is, Mr. Spencer, you  
8 surrounded them at the statue and you wouldn't let them out;  
9 isn't that true?

10 A They were surrounded, and for a time they were fully  
11 surrounded. They eventually did leave.

12 Q And my question is you surrounded them at the statue and  
13 would not let them out, right?

14 A For a time, yes.

15 Q Let's show Mr. Spencer PX-2500, please.

16 THE CLERK: I'm sorry, I can't hear you, Mr. Bloch.

17 BY MR. BLOCH:

18 Q Do you recognize this, Mr. Spencer, as a tweet you sent?

19 A Yes.

20 MR. BLOCH: I would offer this into evidence and  
21 publish, please.

22 (Plaintiffs' Exhibit 2500 marked.)

23 (Plaintiffs' Exhibit 2500 admitted.)

24 BY MR. BLOCH:

25 Q This is a tweet, Mr. Spencer, that you sent -- that you

R. Spencer - Direct

1 tweeted on August 11th, correct?

2 A Yes.

3 Q And you're replying to a tweet that says, "They surrounded  
4 us at the statue. They wouldn't let us out," right?

5 A Yes.

6 Q And you retweeted that with a quote, and your quote was  
7 "fact checked, true," right?

8 A Yes.

9 Q Thanks. And would you agree with me, Mr. Spencer, that  
10 the reason why you were trying to pin them in at the statue was  
11 as a sign of dominance?

12 A Yes.

13 Q Now, you stayed at the Thomas Jefferson statue from the  
14 beginning to the end, right?

15 A The end of? Of the evening?

16 Q The evening.

17 A As I remember it, yes.

18 Q And isn't it true, Mr. Spencer, that you did not see any  
19 of the students do anything aggressive to the alt-right?

20 A I didn't -- I saw -- as I testified, I believe earlier as  
21 well, I remember seeing evidence of pushing and shoving going  
22 on. Now, who started it, I don't know. I remember seeing  
23 that. In terms of the plaintiffs, I do not remember seeing the  
24 plaintiffs at all on that night. And I don't remember seeing  
25 the plaintiffs engage in aggressive action. That is true.

R. Spencer - Direct

1 August 12th, right, to your NPI listserv, right?

2 A Yes. Just for the sake of accuracy, I take responsibility  
3 because it is my list. Evan McLaren, as I remember, wrote it,  
4 but again, it's coming from me, so I'll -- you know, that's  
5 fair.

6 Q And it's got your name at the bottom, right?

7 A Yes.

8 Q And what this email says is, "as I write this, people are  
9 getting in their cars and traveling to Charlottesville to be  
10 part of what they saw on TV and the internet last night. Our  
11 numbers are growing, and so is the intensity of our movement,"  
12 right?

13 A Right.

14 Q You also stated in this email that you sent on August 12th  
15 that "this is only the prequel," right?

16 A That's -- that is -- that's what I wrote, yes.

17 Q You said, "nothing could have prepared us for the energy  
18 and fellowship we felt last night at the University of  
19 Virginia. And imagine, this is only prequel," right?

20 A Yes.

21 Q Now, you did in fact attend Unite the Right on  
22 August 12th, correct, the second event of Unite the Right,  
23 correct?

24 A Yes.

25 Q And you went to McIntire Park, right?



R. Spencer - Cross

1 tell for certain. You know, I wouldn't want to identify anyone  
2 in that. I can identify myself. I wouldn't want to identify  
3 anyone. It's blurry and their faces are obscured, and they're  
4 not --

5 BY MR. KOLENICH:

6 Q Did you not tell Mr. Bloch that Nathan Damigo was in this  
7 video?

8 A I didn't say that he was in that video. I think I said  
9 that he was at that party.

10 Q Is it your testimony, sir, to this jury that in the runup  
11 to Unite the Right in the summer of 2017 you were not, in fact,  
12 sending your employees into Identity Evropa to take control of  
13 that organization?

14 A Yes. I'm telling them that. That's absurd.

15 Q Who was Elliot Kline working for at the Unite the Right  
16 event?

17 A He was working for Identity Evropa. He was not my  
18 bodyguard, nor was he around me at the time.

19 Q He was providing bodyguard services to you, right?

20 A He provided bodyguard services for me. This is amusing.  
21 He provided bodyguard services for me in April at a completely  
22 unrelated demonstration.

23 Q He met with you frequently at your residence in  
24 Alexandria, Virginia?

25 A Yes.

R. Spencer - Cross

C E R T I F I C A T E

I, Lisa M. Blair, RMR/CRR, Official Court Reporter for the United States District Court for the Western District of Virginia, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings reported by me using the stenotype reporting method in conjunction with computer-aided transcription, and that same is a true and correct transcript to the best of my ability and understanding.

I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

/s/ Lisa M. Blair

Date: November 4, 2021

# **PLAINTIFFS' EXHIBIT 5**

Sines, et al. v. Kessler, et al., 3:17CV72, 11/5/2021

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

\*\*\*\*\*

ELIZABETH SINES, ET AL., CIVIL CASE NO.: 3:17CV72  
NOVEMBER 5, 2021, 8:59 AM  
JURY TRIAL, DAY 10

Plaintiffs,

vs.

Before:  
HONORABLE NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE  
WESTERN DISTRICT OF VIRGINIA

JASON KESSLER, ET AL.,

Defendants.

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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY;  
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Sines, et al. v. Kessler, et al., 3:17CV72, 11/5/2021

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T. Baker - Direct

1 A Yes.

2 (Witness complies.)

3 I believe Fourth Street is here, and we were starting to  
4 walk up that way.

5 Q Once you started walking up Fourth Street, was this the  
6 same crowd that you had described before?

7 A Yes.

8 Q Were these the same people that you had seen as  
9 counter-protesters at the Emancipation Park area?

10 A Yes. It was the same people.

11 Q And can you just tell the jury what happened next?

12 A So took a left up Fourth Street. At this point I was  
13 nearing the front of this group of people. And it wasn't long  
14 after walking up Fourth Street that I had heard -- you don't  
15 forget the sound, no other way to describe it, but these  
16 loud -- I heard thumps. I'd seen bodies in the air. And at  
17 that -- I mean, this all happened in maybe a matter of a  
18 second, a couple of seconds would be extremely generous. It  
19 was probably less than a second, that I witnessed that. And  
20 then the car was directly in front of me.

21 Q What did you do?

22 A It's funny. Not having time to really think --

23 Q Go ahead.

24 A So as the car was directly in front of me, I kind of like  
25 tried to get light on my feet, just kind of instinctual, almost

T. Baker - Direct

1 to jump a bit, although I didn't jump. I'd done that, and the  
2 car had -- I was just off-center of the car, and it hit my  
3 lower half. And because I think I was a little light on my  
4 feet it then propelled my face and my chest, my torso into the  
5 windshield of the car and then it flipped me over top of the  
6 car, and I had landed -- I had landed on my side, on my back  
7 and my side.

8 Q I'll show you a video without sound. It's a video marked  
9 Plaintiffs' Exhibit 1505A. It's just a clip.

10 (Plaintiffs' Exhibit 1505A marked.)

11 (Video playing.)

12 BY MR. MILLS:

13 Q Do you recognize this video?

14 A Yes.

15 Q And what is that a video of?

16 A That's a video of the crowd that I was in that day, going  
17 up Fourth Street.

18 MR. MILLS: Your Honor, I'd move to admit 1505A.

19 THE COURT: Be admitted.

20 (Plaintiffs' Exhibit 1505A admitted.)

21 MR. MILLS: Could you please play this for the jury.

22 (Video playing.)

23 BY MR. MILLS:

24 Q Mr. Baker, you described bodies being hit by the vehicle  
25 and sounds that you heard. Could you please describe -- it's



T. Baker - Direct

1 to describe this. It was catastrophically violent, the  
2 feeling. If you can imagine getting crushed by a speeding  
3 piece -- by a car, by speeding metal. But it's like the force  
4 doesn't leave the body. It's -- the violence that your body  
5 absorbs, it's impossible to describe, but it's like it just  
6 doesn't leave and you absorb the entirety of that impact.

7 Q You say that you then were flipped over the car. What  
8 happened then?

9 A I flipped over the car. I had landed, I believe it was  
10 like on my right side and back mostly. And, you know, the  
11 first -- I was so absolutely confident that that was -- that I  
12 was going to die at that moment, so once I hit the ground it  
13 was -- you have so much adrenaline going through your body and  
14 I was in such shock that I didn't die, your kind of instincts  
15 take over. So I immediately just tried to sense if I could  
16 walk, because what I had seen was the car hit, and then it  
17 started to reverse again. And as it was reversing, I remember  
18 thinking I'm not -- I'm absolutely not going to survive getting  
19 hit a second time. So I just got up as fast as I could to get  
20 myself to safety. And, you know, again, brains and bodies are  
21 weird. So I saw this guy on the ground. I don't think he was  
22 hit by the car, but he was definitely a bit shell-shocked -- a  
23 bit. Incredibly shell-shocked. His eyes were just wide open,  
24 he was frozen. I don't know why I did this, but I just picked  
25 him up. And then right after that got myself to what I felt

T. Baker - Direct

1 was safety.

2 And I tripped or I stumbled, I can't remember exactly what  
3 happened. But I fell, and when I fell, it was, just as fast as  
4 the adrenaline came into my body, it left. It left just as  
5 fast. And so I had felt just extreme indescribable pain. And  
6 I was collapsed on the street -- or the sidewalk at that point.

7 Q Were you taken to the hospital at that point or some point  
8 thereafter?

9 A Yeah, shortly thereafter I was put into someone's car and  
10 taken to the hospital.

11 Q Do you know who took you?

12 A I don't.

13 Q Where was your wife during this?

14 A She was home.

15 Q I'd like you to take a look at Plaintiffs' Exhibit 294,  
16 please.

17 Do you recognize that photo?

18 (Plaintiffs' Exhibit 294 marked.)

19 A Yes.

20 Q What is it a photo of?

21 A That is a photo of me in the hospital the day --  
22 immediately after getting hit by the car.

23 Q Is it a true and accurate depiction of what you looked  
24 like that day?

25 A It is. Yes.

T. Baker - Direct

1 I had a bandage on my nose, but I was cleaned up.

2 Q Does this fairly show the swelling that occurred in the  
3 aftermath of this car attack?

4 A No. It does not. When I got to the hospital that day,  
5 the swelling was so severe in my arm and my hip -- and I had  
6 cuts, bruises, swelling, head to toe, on my entire body. The  
7 swelling was so severe that when they did the X-rays, they  
8 couldn't tell if anything was broken. So I had to come back,  
9 it was about a week after that, to have further tests.

10 Q By the way, did your wife take these photos?

11 A No, she did not.

12 Q Where was she?

13 A She was not allowed into the hospital. It was pretty  
14 chaotic. And actually, at the time the hospital misinformed  
15 her that I wasn't even there. So.

16 Q When did you next see her?

17 A Six to eight hours later.

18 Q Could you just briefly tell the jury what injuries you  
19 sustained as a result of this attack?

20 A Yes. So I had a concussion. I had lacerations all over  
21 the body, bruising all over the body. I had a torn ligament in  
22 my left wrist and I had a torn labrum to my right hip.

23 Q You mentioned a concussion. Could you tell us briefly  
24 about that?

25 A Yeah, it was, you know, a week, two weeks of foginess,

Sines, et al. v. Kessler, et al., 3:17CV72, 11/5/2021

C E R T I F I C A T E

I, Lisa M. Blair, RMR/CRR, Official Court Reporter for the United States District Court for the Western District of Virginia, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings reported by me using the stenotype reporting method in conjunction with computer-aided transcription, and that same is a true and correct transcript to the best of my ability and understanding.

I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

/s/ Lisa M. Blair

Date: November 5, 2021

# **PLAINTIFFS' EXHIBIT 6**

Sines, et al. v. Kessler, et al., 3:17CV72, 11/9/2021

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

\*\*\*\*\*

ELIZABETH SINES, ET AL., CIVIL CASE NO.: 3:17CV72  
NOVEMBER 9, 2021, 9:00 AM  
JURY TRIAL, DAY 12

Plaintiffs,

vs.

Before:  
HONORABLE NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE  
WESTERN DISTRICT OF VIRGINIA

JASON KESSLER, ET AL.,

Defendants.

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Sines, et al. v. Kessler, et al., 3:17CV72, 11/9/2021

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C. Alvarado - Direct

1 Q What did you do at McGuffey Park?

2 A I mean, I sat down because I was tired. I was hot and I  
3 was carrying this drum. And then people were just, like,  
4 talking, eating food because there was, like, snacks and stuff.  
5 At one point I joined in. Like, they were having a good jam  
6 session and I thought it would be kind of fun.

7 And then, yeah, I was just kind of like sitting around and  
8 just, like, listening to people and trying to, you know, see  
9 what was going on.

10 Q At some point did you leave McGuffey Park?

11 A Yeah.

12 Q Did you end up at the intersection of Fourth and Water?

13 A Yes.

14 Q And what happened when you were at that intersection?

15 A So, I mean, all I can really remember is that people at  
16 the front were saying "to the left," "to the left." So I just  
17 followed along and turned left at Fourth Street. Yeah.

18 Q And after you turned left up onto Fourth Street, what  
19 happened at that point?

20 A I mean, I guess we walked up for -- not far, maybe like a  
21 minute, and then, you know, next thing you know, the attack  
22 happened.

23 Q And when you say "the attack happened," what do you mean?

24 A James Alex Fields Jr.'s car plowed into the crowd.

25 Q And were you hit?

C. Alvarado - Direct

1 A Yes.

2 Q Can you tell the jury how the car struck you?

3 A Yeah. So I had the drum on my right side. And then, I  
4 mean, I presume, based off of how I saw the drum afterwards,  
5 that the car hit my drum first and then the force of that threw  
6 me to the side, to the left side.

7 MS. PHILLIPS: Your Honor, I'd like to show the  
8 witness Plaintiffs' 0281, please.

9 THE COURT: Bring that up.

10 MS. PHILLIPS: Chelsea, let me know when it comes up  
11 on your screen.

12 THE WITNESS: That's good.

13 BY MS. PHILLIPS:

14 Q Do you recognize this photo?

15 A Yes.

16 Q What is it?

17 A The car plowing into the crowd.

18 MS. PHILLIPS: Your Honor, I'd like to admit PX-0281  
19 and publish it to the jury, please.

20 THE COURT: Be admitted and you may publish.

21 (Plaintiff Exhibit 0281 marked.)

22 (Plaintiff Exhibit 0281 admitted.)

23 BY MS. PHILLIPS:

24 Q Chelsea, do you recognize the item to the right of the car  
25 in this photograph?

C. Alvarado - Direct

1 BY MS. PHILLIPS:

2 Q Chelsea, can you please use the screen in front of you to  
3 circle the drum?

4 A (Witness complies.)

5 Q And can you use the screen in front of you, please, to  
6 circle Natalie's blood?

7 A (Witness complies.)

8 Q Thank you.

9 MS. PHILLIPS: You can take that down, Mr. Spalding.  
10 Thank you.

11 BY MS. PHILLIPS:

12 Q Chelsea, did you sustain any physical injuries from the  
13 events of August 12th, 2017?

14 A Yeah. So primarily I had contusions, which is just a  
15 fancy word for bruises, on both of my, like, upper thighs. I  
16 had a hematoma on my left knee, and then I had a bunch of,  
17 like, cuts and scrapes on my hands and my arms.

18 Q I'd like to show the witness Plaintiffs' 0062, please.

19 Is it up on your screen?

20 A Yeah.

21 Q Okay. Great.

22 Chelsea, do you recognize this photograph?

23 A Yes.

24 Q Did you take this photograph?

25 A Yeah.

C. Alvarado - Direct

1 MS. PHILLIPS: Your Honor, I would like to admit  
2 Plaintiffs' 0062 and publish it to the jury, please.

3 THE COURT: It'll be admitted and may be published.

4 (Plaintiff Exhibit 0062 marked.)

5 (Plaintiff Exhibit 0062 admitted.)

6 BY MS. PHILLIPS:

7 Q Chelsea, what does this photograph show?

8 A My left knee.

9 Q And on what date did you take this photograph?

10 A I believe the Monday after, so the 14th of August.

11 Q And do you know where you were when you took this  
12 photograph?

13 A I was at Patient First.

14 Q Why were you at Patient First?

15 A Because on the 13th I had started experiencing symptoms of  
16 what I believed to be a concussion. So my friend took me the  
17 following day to Patient First.

18 Q And did they treat you at Patient First?

19 A Yes.

20 Q Did they diagnose you at Patient First?

21 A Yes. So they said that I had a concussion and to go to  
22 the ER to get checked out by them.

23 Q Did you go to the emergency room?

24 A Yes.

25 Q Do you recall which emergency room you went to?

M. Parrott - Direct

1 of white nationalists marching through Market Street to break  
2 through the counter-protesters lined up outside Emancipation  
3 Park.

4 MR. SMITH: The question was already saying that  
5 there was fighting going on. So somehow counsel jumped ahead.

6 MR. BLOCH: Judge, I can rephrase if it's helpful.

7 THE COURT: Repeat the question.

8 BY MR. BLOCH:

9 Q After the point at which Michael Tubbs and others led the  
10 charge into counter-protesters -- do you know where I'm talking  
11 about in time? Do you understand?

12 A I understand. These were from watching videos, open  
13 source videos and speaking to other people. And that was the  
14 basis for my deposition, yes.

15 Q Okay. And isn't it true that Identity Evropa sent a  
16 detachment of fighters to assist you and relay intelligence to  
17 Jason Kessler? Isn't that true?

18 A That was after the event was already secured, after we had  
19 achieved the shield wall at Market Street. Our goal was to get  
20 in, put the shield wall behind us, and that way we're in our  
21 permitted event.

22 Identity Evropa did send people to assist. It was  
23 colorful language to call them "fighters" or whatever. But  
24 there was communication with Identity Evropa to figure out what  
25 was going on at southeast Market Street, yes.

M. Parrott - Direct

1 MR. BLOCH: One moment, Judge.

2 (Pause.)

3 BY MR. BLOCH:

4 Q Mr. Parrott, did you write that: "Michael Tubbs, an  
5 especially imposing League organizer, towered over and pushed  
6 through the Antifa like a Tyrannosaurus among raptors as League  
7 fighters with shields put their training to work"? Did you  
8 write that?

9 A I did write that, yes.

10 Q And then did you go on -- you talk about Cesar Hess, and  
11 then you say: "While most of the Identity Evropa men were  
12 occupied with other fronts, they sent a detachment of fighters  
13 to assist us and to relay intelligence to Jason Kessler and  
14 other organizers. They offered more fighters, but we had our  
15 positions amply covered."

16 Did you write that?

17 A I did write that.

18 Q Now, turning to your testimony at page 225, line 6, were  
19 you asked, question: "And you said that, quote, 'We all,  
20 united, decisively won the fight,' correct?"

21 Answer: "Yes."

22 Did you give that testimony?

23 A Yes, I did.

24 Q You also testified on page 228, line 21, question: "Did  
25 you once write, Mr. Parrott, after Unite the Right, regarding

Sines, et al. v. Kessler, et al., 3:17CV72, 11/9/2021

C E R T I F I C A T E

I, Lisa M. Blair, RMR/CRR, Official Court Reporter for the United States District Court for the Western District of Virginia, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings reported by me using the stenotype reporting method in conjunction with computer-aided transcription, and that same is a true and correct transcript to the best of my ability and understanding.

I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

/s/ Lisa M. Blair

Date: November 9, 2021

# **PLAINTIFFS' EXHIBIT 7**



Sines, et al. v. Kessler, et al., 3:17CV72, 11/10/2021

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

\*\*\*\*\*

ELIZABETH SINES, ET AL., CIVIL CASE NO.: 3:17CV72  
NOVEMBER 10, 2021, 8:56 AM  
JURY TRIAL, DAY 13

Plaintiffs,

vs.

Before:  
HONORABLE NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE  
WESTERN DISTRICT OF VIRGINIA

JASON KESSLER, ET AL.,

Defendants.

\*\*\*\*\*

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Sines, et al. v. Kessler, et al., 3:17CV72, 11/10/2021

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S. Wispelwey - Direct

1 THE COURT: All right.

2 Mr. Martin, you may step down.

3 Next witness?

4 MS. KAPLAN: Yes. Plaintiffs call Reverend Seth  
5 Wispelwey. We just need a moment to bring him up.

6 SETH WISELWEY, CALLED BY THE PLAINTIFFS, SWORN

7 DIRECT EXAMINATION

8 BY MS. KAPLAN:

9 Q Good morning, Reverend Wispelwey.

10 A Good morning.

11 Q What is your profession?

12 A I'm a pastor.

13 Q Are you a pastor in any particular Christian denomination?

14 A I'm an ordained minister in the United Church of Christ.

15 Q Just generally, very briefly and generally speaking, what  
16 are the beliefs of the United Church of Christ?

17 A Sure. The United Church of Christ is what's called a  
18 mainline Protestant denomination. There's about a million  
19 members nationwide. We're congregationalists, which means that  
20 governance and authority is determined at the local level, and  
21 then we have structures all the way up to a national level.

22 Broadly speaking, United Church of Christ believes that  
23 God is alive and moving in our world today and driving us all  
24 to love and justice.

25 Q Again, Reverend, I'm going to ask you a big question, but

S. Wispelwey - Direct

1 A Almost the whole length. We only had maybe 40 to 50  
2 people.

3 Q I'm going to show you a still from a video clip,  
4 Plaintiffs' Exhibit 2105C, Reverend, and ask if you recognize  
5 it?

6 A Yes.

7 Q And what is that?

8 A That appears to be us turning the corner onto Market  
9 Street.

10 MS. KAPLAN: Your Honor, I move to admit Plaintiffs'  
11 Exhibit 2105C and play it for the jury.

12 THE COURT: Be admitted.

13 MS. KAPLAN: Please play it, Mr. Spalding.

14 (Plaintiff Exhibit 2105C marked.)

15 (Plaintiff Exhibit 2105C admitted.)

16 (Video playing.)

17 BY MS. KAPLAN:

18 Q Does this video, Reverend, show what you just described to  
19 the jury, walking up and forming a line?

20 A Yes. That was early in the morning.

21 Q Did you see -- at the time did you see any members of  
22 Unite the Right coming into Emancipation Park?

23 A In the clip or --

24 Q In the clip or --

25 A For two, two and a half hours, groups of Unite the Right

S. Wispelwey - Direct

1 attendees were walking from the east and then entering the park  
2 in the southwest corner, so to my left, and chanting, yelling a  
3 lot of slogans and slurs at us.

4 Q And you see -- you said verbally and you see in the video  
5 that the faith leaders are linking arms. What was the point of  
6 that?

7 A Linking arms had a couple purposes for us. One was  
8 practical. We were in a single-file line and as the population  
9 kind of grew in the park and then also behind us with community  
10 members, it was a practical way of staying connected, not  
11 losing touch because there was a lot going on.

12 And then spiritually, it just signifies unity. There was  
13 a lot of beautiful traditions and people represented in our  
14 line, and it was the visible faithful presence we wanted to  
15 communicate, that we were bound together.

16 Q Now, at this point in time when you're standing, as I  
17 understand, in a line outside the south of Emancipation Park  
18 with your face to the park, your back to Market Street, were  
19 you blocking any entrances to Emancipation Park?

20 A No.

21 Q At some point, Reverend, did you kneel?

22 A Yes.

23 Q Why did you do that?

24 A I think it was in the midst of singing and praying.  
25 Again, it was part of our goal to visibly represent --

S. Wispelwey - Direct

1 wouldn't let them come. A whole lot.

2 Q Reverend Wispelwey, switching topics, have the events of  
3 August 11th and 12th, 2017 impacted your mental and  
4 psychological health?

5 A Yes.

6 Q Can you please explain?

7 A In a variety of ways. I have lost a lot of function I  
8 used to have and take pride in. A month after August 2017 I  
9 was diagnosed with acute stress disorder, which became a  
10 post-traumatic stress disorder diagnosis. I was just  
11 exhibiting all the symptoms. And I've had trouble sleeping  
12 ever since. High anxiety, night terrors, hypervigilance. A  
13 tremendous cost socially, professionally, and just  
14 physiologically to all of that. It's been rough. That's a  
15 short summation.

16 Q I want to just pick out a couple of the symptoms that you  
17 mentioned, Reverend. What are night terrors?

18 A Well, as I've come to find out, they are nightmares to the  
19 nth degree. I woke up -- I started waking up for the first  
20 time in my life yelling and screaming after just horrible  
21 dreams, where I'd be reliving, like, the car attack scene or  
22 reliving something else in the streets. But it was like my  
23 daughter I couldn't find, you know, a mix of details.

24 And then the hypervigilance would kick in and I'd start,  
25 like, obsessively kind of checking the locks, checking on her

S. Wispelwey - Direct

1 well-being, that sort of thing.

2 Q What about panic attacks? Do you have panic attacks?

3 A Yes.

4 Q Can you describe that a little bit to the jury?

5 A Yeah, for me I tend to lock up, get frozen. It's not like  
6 this hyperventilating thing. I start to experience a burning,  
7 like, constriction. We've looked for physiological causes, and  
8 it's not there. I even had an endoscopy. But when anxiety  
9 starts to rise, or I feel a threat or there's a trigger, for  
10 lack of a better word, I'll kind of lock up and then I'll have  
11 this kind of radiating attack where I'm basically in bed for a  
12 couple hours. But it's gone as long as 18 hours before.

13 Q Are there things that you could do -- I think you've kind  
14 of obliquely referenced this, Reverend. But are there things  
15 you were able to do before August 2017 that you are no longer  
16 able to do today?

17 A I couldn't work full-time for the first couple years. And  
18 even now it's one of the hardest things. I have a temporary  
19 job, which felt like a safe enough entry point back into  
20 working, but the pandemic has made it longer and more tiring.  
21 Socially, I can't go out like I used to, or like I used to want  
22 to. Everyone who knows and loves me knows I'm an extrovert or  
23 know I was. I don't actually know what I am anymore. But I --  
24 I prefer a small, very trusted group of friends if I'm going to  
25 go out, whether to eat, and large crowds, public -- yeah, it's



S. Wispelwey - Direct

1 all a lot.

2 I can keep going. I've gotten some prescriptions for some  
3 of this and that helps mellow things a little bit. I know I'm  
4 not the only one who was impacted this way, but that's my part  
5 of it.

6 Q I'm going to ask Mr. Spalding to show you on your screen,  
7 Reverend, Plaintiffs' Exhibit 3327. Do you recognize that  
8 document?

9 A Yes.

10 Q And what is it?

11 A This looks like a chart related to therapies, costs, some  
12 emergency ones specifically related to impacts of August 11th  
13 and 12th and my experiences.

14 MS. KAPLAN: Your Honor, move to admit Plaintiffs'  
15 Exhibit 3327 and publish to the jury.

16 THE COURT: Be admitted.

17 (Plaintiff Exhibit 3327 marked.)

18 (Plaintiff Exhibit 3327 admitted.)

19 BY MS. KAPLAN:

20 Q Just a couple more questions, Reverend.

21 A Sure.

22 Q Before August 11th and 12th, 2017, were you in contact  
23 with anyone you understood to be a member of Antifa?

24 A No.

25 Q Did you -- before August 11th and 12th, 2017, had you even

N. Damigo - Direct

1 A Good afternoon.

2 Q Mr. Damigo, in 2017 you considered yourself to be a white  
3 nationalist, correct?

4 A I believe so.

5 Q And you believed in 2017 that America was founded for  
6 white people; isn't that right?

7 A Yes.

8 Q In 2017 you advocated for a white ethnostate?

9 A Yes.

10 Q And racial minorities would not be welcome to live in this  
11 white ethnostate, correct?

12 A Not necessarily.

13 Q In 2017 you believed that, theoretically speaking,  
14 violence might be needed to create this white ethnostate,  
15 right?

16 A I do not recall.

17 MS. PHILLIPS: Ms. Dunn, if you don't mind handing  
18 Mr. Damigo his two depositions in this case.

19 BY MS. PHILLIPS:

20 Q Mr. Damigo, do you recall being deposed twice in this  
21 case?

22 A Yes.

23 Q And you were under oath both times, correct?

24 A Yes. Which one am I looking at here?

25 Q I'll refer you to it. So there was one deposition of you

N. Damigo - Direct

1 that occurred on June 10th, 2020. And if you could take a look  
2 at that, specifically page 90. And I'll direct you to lines 4  
3 through 7.

4 I asked you this question: "And in 2017 you believed that  
5 violence might be needed to create the white ethnostate,  
6 correct?"

7 And you answered: "Theoretically speaking."

8 Does that refresh your recollection?

9 A Is this 90 of my first deposition or my second?

10 Q It should be your first, the one on 6-10. I believe the  
11 second was on -- I want to say 6-28. No, 6-22.

12 A I'm sorry, I'm not finding it here. You said page 90.

13 Q Correct. Page 90, lines 4 through 7.

14 A I see here my answer to that question was "theoretically  
15 speaking."

16 Q Correct. Great.

17 MS. PHILLIPS: Mr. Spalding, I'd like to show  
18 Mr. Damigo Plaintiffs' 2850 at 5:50, please.

19 BY MS. PHILLIPS:

20 Q Mr. Damigo, this will just play on your screen and I'll  
21 ask you to identify yourself if you see yourself in the video.

22 (Video playing.)

23 Is that you, sir?

24 A Yes, it is.

25 Q Do you recognize this as a Periscope video that you took?

N. Damigo - Direct

1 A Yes, I do.

2 MS. PHILLIPS: Your Honor, I'd like to move to admit  
3 PX-2850 and publish it to the jury.

4 THE COURT: Be admitted and you may publish.

5 MS. PHILLIPS: Thank you.

6 (Plaintiff Exhibit 2850 marked.)

7 (Plaintiff Exhibit 2850 admitted.)

8 MS. PHILLIPS: Mr. Spalding, if we could play that  
9 video.

10 (Video playing.)

11 BY MS. PHILLIPS:

12 Q Mr. Damigo, you're referring to yourself there as the  
13 racist?

14 A Yes.

15 MS. PHILLIPS: I'd like to show Mr. Damigo  
16 Plaintiffs' 0341, please.

17 THE COURT: You may.

18 BY MS. PHILLIPS:

19 Q Mr. Damigo, your user name on Discord was Fashy Haircut,  
20 correct?

21 A Yes, it was.

22 Q Your Honor, I would like -- well, let me ask you this,  
23 Mr. Damigo. Do you recognize these as direct messages between  
24 yourself, Fashy Haircut, and a Discord user by the name of Karl  
25 North?

N. Damigo - Direct

1 thank you. I'd like to show Mr. Damigo Plaintiffs' 0882.

2 BY MS. PHILLIPS:

3 Q Mr. Damigo, do you recognize this as a post made by you,  
4 Fashy Haircut, in the Identity Evropa server on Discord  
5 #antifawatch; do you see that?

6 A Yes, I do see that.

7 Q And you recognize this as a post that you made?

8 A Yes. I made it to --

9 Q Mr. Damigo, it was a yes or no question.

10 A Yes, I made it to the other members to let them know what  
11 was coming our way, that we were being attacked quite a bit by  
12 Antifa and just saying welcome --

13 THE COURT: Okay. Wait.

14 MS. PHILLIPS: I would move to strike his answer as  
15 nonresponsive, Your Honor, past the --

16 THE COURT: Just answer the question. She didn't ask  
17 you why. She just asked you if you did.

18 THE WITNESS: Yes.

19 MS. PHILLIPS: Okay. Thank you very much. Your  
20 Honor, I'd like to move this into evidence. This is  
21 Plaintiffs' 0882.

22 THE COURT: Be admitted.

23 MS. PHILLIPS: And I'll publish it to the jury,  
24 please.

25 THE COURT: You may.

N. Damigo - Direct

1 (Plaintiff Exhibit 0882 marked.)

2 (Plaintiff Exhibit 0882 admitted.)

3 BY MS. PHILLIPS:

4 Q So on March 8th, 2017 you posted: "The lines between  
5 politics and violence is blurring. Welcome to fourth  
6 generation warfare." You posted that, correct?

7 A Yes, I did.

8 MS. PHILLIPS: Okay. Thank you. You can take it  
9 down, Mr. Spalding.

10 BY MS. PHILLIPS:

11 Q Now, Mr. Damigo, your path to radicalization happened  
12 while you were in prison, correct?

13 A I would say that at that time I came to an understanding  
14 of the effects of race and identity and their impacts on  
15 society.

16 Q So is the answer to my question yes?

17 A Yes.

18 Q And in prison you read David Duke's *My Awakening*, correct?

19 A Yes, I did.

20 Q You know that David Duke is the former grand wizard of the  
21 KKK?

22 A Yes. And it was very informative.

23 Q In fact, David Duke's books played a huge part in your  
24 radicalization, correct?

25 A Absolutely.

N. Damigo - Direct

1 Q Mr. Duke was an inspiration for you?

2 A Yes. He had taken quite a bit of time to compile a lot of  
3 information that was being omitted from mainstream arguments on  
4 politics. And I spent quite a few years tracking down a number  
5 of those sources. And -- on all sides of the issues. That's  
6 something I really liked about the book, was he presented  
7 numerous debates from various sides, and it was very  
8 informative. And I was able to track down all those sources  
9 and confirm what he had to say on those things.

10 Q You felt you owed a lot to him, correct?

11 A Yes.

12 Q And you've always been a big fan of his?

13 A Yes.

14 Q Mr. Damigo, in 2017 you believed that black people were  
15 genetically and intellectually inferior to white people,  
16 correct?

17 A No. I think it's more complex than that. I think you  
18 have to talk about specific measurements if you're going to  
19 answer questions of inferiority or superiority.

20 Q Well, you believed black people -- sorry, I didn't mean to  
21 interrupt you. Are you done?

22 A Yeah, I'm done.

23 Q You believe that black people have higher rates of crime  
24 across the board that's out of proportion to their  
25 socioeconomic status, correct?

N. Damigo - Direct

1 A According to FBI crime statistics, yes.

2 Q My question was is that your belief?

3 A Yes, I believe those statistics are accurate.

4 Q Again, my question was --

5 MR. KOLENICH: Your Honor, objection. He's already  
6 testified that he is a racist, referred to himself as a racist  
7 at that time.

8 THE COURT: Okay. So you don't have to go too far.

9 MS. PHILLIPS: Understood. Thank you, Judge.

10 BY MS. PHILLIPS:

11 Q And the difference you believe is a matter of genetics and  
12 genetic distribution, correct?

13 A I think that plays a major role, yes.

14 Q You also think that Jewish people, black people, and their  
15 supporters are responsible for a mainstream genocidal campaign  
16 against white people, correct?

17 A I think there are a lot of parties involved with that,  
18 including white people, ethnomasochists, capitalists, people  
19 who are involved in mass immigration for greed or other  
20 purposes. But yes, I do think that there are some Jews and  
21 some blacks that are very much involved with that as well.

22 Q In 2017 you saw Jewish people as nonwhite individuals and  
23 you saw Jewish culture as anti-white, correct?

24 A Yes, that's correct.

25 Q Mr. Damigo, I want to talk to you a little bit about



N. Damigo - Direct

1 Identity Evropa. Okay if I call it IE?

2 A Yes.

3 Q Great. So you founded IE in 2016, correct?

4 A Yes.

5 Q And one of the goals of IE was to promote the idea of a  
6 white ethnostate?

7 A Yes.

8 Q IE only admitted people of European non-Semitic heritage?

9 A That's correct.

10 Q And in fact the application form for membership into IE  
11 required a person to identify if they were an individual of  
12 European non-Semitic heritage, correct?

13 A Yes, it did.

14 Q And the purpose of that was to screen out anybody who was  
15 of Semitic heritage?

16 A Yes.

17 Q So a Jewish person could not join IE, correct?

18 A No.

19 Q And black people could not also join IE, correct?

20 A No.

21 Q Ultimately the only people who were allowed to join IE  
22 were white people of European heritage, correct?

23 A Yes.

24 Q And in 2017 IE's views were the same as your personal  
25 views, correct?

N. Damigo - Direct

1 A Yes.

2 Q Now, IE members often communicated with one another on  
3 Discord?

4 A Yes.

5 Q And there was an IE server we've seen on the Discord,  
6 correct?

7 A Which Discord are you referring to?

8 Q I'm referring to the Identity Evropa server on Discord.

9 A All right. Yes.

10 Q And IE members would get an invite to the IE Discord when  
11 they joined IE, correct?

12 A Yes.

13 Q And you had to be an IE member to post in the IE server?

14 A Yes, in the IE Discord server, yes.

15 Q And you created that IE server, right?

16 A Yes, I did.

17 Q You were the owner of the IE server on Discord?

18 A Yes, I was.

19 Q And you would agree with me that you used the IE server  
20 quite often, particularly in the summer of 2017?

21 A Yes.

22 Q Okay. Mr. Damigo, you attended an event that took place  
23 in Berkeley, California on April 15, 2017, correct?

24 A Yes, I did.

25 Q And that became known as the Battle of Berkeley, right?

N. Damigo - Direct

1 A Yes, it did.

2 Q And you attended Berkeley as a representative of IE?

3 Why don't I do it this way. At your deposition you were  
4 asked this question: "Did you attend on behalf of Identity  
5 Evropa?" And you gave this answer: "Pretty much anywhere I  
6 went was generally -- those events, I mean, just as the founder  
7 of the organization, it was generally considered I was  
8 representing the organization."

9 So does that refresh your recollection that you attended  
10 Berkeley as a representative of IE?

11 A Yes.

12 Q And other IE members like Brodie Sutherland and Rob Rundo  
13 also attended Berkeley, right?

14 A I know Brodie Sutherland was an IE member. I don't know  
15 if Rob was an IE member at that time.

16 Q He was, though, at some point, yes?

17 A I'm not sure.

18 Q And some of the members of the Rise Above Movement, also  
19 known as RAM, those guys were at Berkeley too, correct?

20 A Yes, I believe some of them were there.

21 Q And do you recall an individual who went by the Discord  
22 handle FemaCampBandLeader? You testified in your deposition  
23 that you called him Fema for short. Do you recall that?

24 A Yes.

25 Q And he was an IE member who ran boxing training before the

N. Damigo - Direct

1 terrorist organization's banner.

2 MS. PHILLIPS: Your Honor, I would move to strike  
3 everything that came after "yes."

4 THE COURT: Sustained.

5 BY MS. PHILLIPS:

6 Q And the individual on the far right is Brodie Sutherland,  
7 correct?

8 A Yes.

9 Q And that's -- you've testified he was an IE member; at  
10 least he was in 2017?

11 A Yes.

12 Q And you and Brodie were with these same individuals  
13 throughout the day on April 15th, 2017 at the Battle of  
14 Berkeley, correct?

15 A Yes, I believe so.

16 MS. PHILLIPS: You can take that down. Thank you,  
17 Mr. Spalding.

18 BY MS. PHILLIPS:

19 Q Mr. Damigo, you attended the events that took place in  
20 Charlottesville on May 13th, 2017 that came to be known as  
21 Charlottesville 1.0, correct?

22 A Yes.

23 Q And IE members also attended this event?

24 A Yes.

25 Q Elliot Kline and Richard Spencer, Matt Heimbach, Jason

N. Damigo - Direct

1 Kessler, they were all there, correct?

2 A It was about four years ago. I don't recall off the top  
3 of my head all of who was there.

4 Q Okay. It was your idea to plan the event, correct?

5 A I believe so.

6 Q And you also worked with other alt-right groups to plan  
7 this event, correct, including the Traditionalist Worker Party  
8 and Vanguard America?

9 A Some of their members came out. I told our members that  
10 if -- if they knew people who they felt trustworthy and would  
11 not leak the fact that we were having an event -- we didn't  
12 want Antifa coming out and attacking us -- then it was okay for  
13 them to come. And many of them did.

14 MS. PHILLIPS: Your Honor, I would again move to  
15 strike everything after "yes."

16 THE COURT: Sustained. Strike.

17 MS. PHILLIPS: Thank you.

18 THE WITNESS: Did I say "yes" to that?

19 MR. JONES: Your Honor, he actually didn't say "yes."

20 MS. PHILLIPS: Well, let me refresh his recollection  
21 with his deposition, then.

22 BY MS. PHILLIPS:

23 Q Take a look at June 10th, 2020. I'll direct you to 146,  
24 line 7.

25 A You said page 2020? Sorry.

N. Damigo - Direct

1 Q I'm sorry. Your June 10th deposition, since there are  
2 two, and I'm directing you to page 146.

3 MS. PHILLIPS: Let's do it this way. Can you show  
4 him Plaintiffs' 0920, please?

5 BY MS. PHILLIPS:

6 Q Mr. Damigo, do you recognize your posts in this Discord  
7 server alt-right-events-project, #general channel?

8 THE WITNESS: Yes. That appears to be my account.

9 MS. PHILLIPS: Your Honor, I would move to admit into  
10 evidence Plaintiffs' 0920.

11 THE COURT: Be admitted.

12 (Plaintiff Exhibit 0920 marked.)

13 (Plaintiff Exhibit 0920 admitted.)

14 BY MS. PHILLIPS:

15 Q And I'll direct your attention to the fourth line down.  
16 You say on March 18th, almost a full month before the event  
17 itself: "Should be big. We are working with other alt-right  
18 groups on this."

19 So does this refresh your recollection that you worked  
20 with other alt-right groups on Charlottesville 1.0.

21 A Yes. Specifically --

22 Q It was just a yes or no question, Mr. Damigo.

23 A Oh. Okay.

24 Q Thank you.

25 MS. PHILLIPS: You can take this down, Mr. Spalding.

N. Damigo - Direct

1 Thank you.

2 BY MS. PHILLIPS:

3 Q Okay. Charlottesville 1.0 also included a torch march  
4 that you participated in, correct?

5 A Yes, it did.

6 Q And you came up with the idea for the torch march and you  
7 suggested it to other organizers, Mr. Spencer, Mr. Kline, and  
8 Mr. Evan Thomas, correct?

9 A Yes.

10 Q And you got the idea for the torch march from a YouTube  
11 video of a torch march in Germany; do you recall testifying to  
12 that in your deposition?

13 A It was originally a torch march in France, but also one in  
14 Germany, yes.

15 Q Okay. Well, the only one that you referenced in the Slack  
16 channel to these individuals was one from Germany, correct?

17 A Yes, that was the only link I could find. The other link  
18 was kind of hard to find, oftentimes.

19 Q And you at no point testified about any France torch  
20 march, correct, in your deposition?

21 I'll direct you to line -- or excuse me, to page 156, 3  
22 through 18. You can take a look.

23 A Which page was that again? I'm sorry.

24 Q No problem. Page 156, 3 through 18.

25 I'll go ahead and read it for the record.

N. Damigo - Direct

1 THE WITNESS: I was aware that the Klan had in the  
2 past used torchlit rallies, like many other organizations and  
3 movements, some peaceful and some not peaceful.

4 BY MS. PHILLIPS:

5 Q You gave a speech at Charlottesville 1.0, correct?

6 A Yes.

7 Q And in that speech you referred to Mr. Spencer as "my boy  
8 Richard"; do you recall that?

9 A No. But I might have.

10 Q Okay. And you said in that speech that you were "truly  
11 inspired" by seeing Richard in Hungary being arrested and you  
12 knew he was a man after your own heart after that; do you  
13 recall that?

14 A I don't recall the speech at all, but I do recall that  
15 sentiment.

16 MS. PHILLIPS: Let's go ahead, Mr. Spalding, and  
17 we'll show first to Mr. Damigo Plaintiffs' 2855.

18 BY MS. PHILLIPS:

19 Q Is that you, Mr. Damigo?

20 A Yes, it is.

21 MS. PHILLIPS: Your Honor, I'd like to move  
22 Plaintiffs' 2855 into evidence and publish it for the jury.  
23 We're just going to play the very last part of your speech here  
24 at the clip.

25 THE COURT: Be admitted. Go ahead.



N. Damigo - Direct

1 MS. PHILLIPS: Thank you.

2 (Plaintiff Exhibit 2855 marked.)

3 (Plaintiff Exhibit 2855 admitted.)

4 (Video playing.)

5 THE COURT: What's the purpose of this?

6 MS. PHILLIPS: Just confirming what he said.

7 THE COURT: Well, you know, there are lots of things  
8 he said in his life that are not material, particularly to this  
9 case. And you can only impeach somebody on something material.

10 MS. PHILLIPS: I wasn't trying to impeach him. I was  
11 just trying to get that into evidence.

12 THE COURT: Well, please. I mean, this is something  
13 that's gone on that's really taken up a lot of time. Witnesses  
14 are taking much more time than they need because we go through  
15 this little --

16 MS. PHILLIPS: Understood, Your Honor.

17 THE COURT: It's not -- I'll tell you, it's not  
18 helpful.

19 MS. PHILLIPS: I'll move on. Thank you.

20 BY MS. PHILLIPS:

21 Q Mr. Damigo, you met Jason Kessler in 2017, correct?

22 A Yes.

23 Q And you understood that Charlottesville 2.0 was  
24 Mr. Kessler's idea?

25 A Yes, it was.

N. Damigo - Direct

1 Q And you had a conversation with him about his idea for the  
2 event, correct?

3 A Yes, I did.

4 Q And he invited you to attend?

5 A Yes.

6 MS. PHILLIPS: Let's put up Plaintiffs' 0067.

7 BY MS. PHILLIPS:

8 Q Mr. Damigo, these are your certified phone regards from  
9 AT&T. And you'll see at the very --

10 MS. PHILLIPS: Can you go down to page 347,  
11 Mr. Spalding, please? Thank you.

12 BY MS. PHILLIPS:

13 Q And you'll see at the top, Mr. Damigo, on the top left it  
14 says "voice usage for," and then there's a 408 number, and I  
15 won't say the rest of it, but if you could confirm that that's  
16 your phone number, please. Maybe Mr. Spalding could -- there  
17 we go.

18 That's your phone number, correct?

19 A Yes, that was my phone number at the time.

20 MS. PHILLIPS: Your Honor, I'd move Plaintiffs' 0067  
21 into evidence, please.

22 THE COURT: Admitted.

23 (Plaintiff Exhibit 0067 marked.)

24 (Plaintiff Exhibit 0067 admitted.)

25 MS. PHILLIPS: And we'll just go down to line -- can

N. Damigo - Direct

1 Q Were you asked this question?

2 "Okay. So, Mr. Damigo, you spoke on the phone with  
3 Mr. Kessler in May, June, July, and August of 2017, correct?"

4 And you gave the answer: "It looks so."

5 A Do you know what page that is? I'd like to look at it.

6 Q Sure. 163.

7 THE COURT: I hope this is really important.

8 MS. PHILLIPS: I'll move on, Your Honor.

9 BY MS. PHILLIPS:

10 Q Mr. Damigo, at Mr. Kessler's request, you agreed to  
11 promote the event to IE members so that they would attend  
12 Charlottesville 2.0, correct?

13 A Yes.

14 Q And Mr. Kessler wanted you to attend UTR as well, correct?

15 A Yes, he did.

16 Q And I believe you decided to attend at least by July 10th,  
17 2017; does that sound right?

18 A Yeah, that sounds about right.

19 Q And Mr. Kline was a member and leader of IE in 2017,  
20 correct?

21 A Yes.

22 Q He became a member of IE in September of 2016. Are you  
23 aware of that?

24 A That sounds about right.

25 Q And you and Mr. Kline shared the same views about Jewish

N. Damigo - Direct

1 and black people, correct?

2 A Generally speaking.

3 Q And you were the leader of Identity Evropa during the  
4 planning of Charlottesville 2.0?

5 A Say that again.

6 Q Sure. You were the leader of Identity Evropa during the  
7 planning period for Charlottesville 2.0?

8 A Yes.

9 Q And you had a rule that IE members were not allowed to  
10 partake in any activism without express permission, correct?

11 A Yes.

12 Q You had the authority to approve activism for IE members,  
13 of course?

14 A Yes.

15 Q And Mr. Kline also had authority to approve activism for  
16 IE?

17 A Yes. At a certain point, I don't remember exactly when,  
18 but I was becoming overwhelmed and needed to start delegating  
19 things out to something else. So, yes, I had given him that  
20 permission; but it wasn't like a blanket ability to do any type  
21 of activism. It was only for specific types of activism.

22 Q You trusted Mr. Kline to approve activism for IE members,  
23 correct?

24 A Yes, after I had a number of conversations with him about  
25 what I expected.

N. Damigo - Direct

1 Q Yeah. You had several conversations with him, right,  
2 about what was acceptable and what wasn't?

3 A Yes.

4 Q And you understood that Mr. Kline was working with  
5 Mr. Kessler to organize Charlottesville 2.0, right?

6 A That was my understanding.

7 Q And you knew that Mr. Kline was one of the primary  
8 organizers of the event, right?

9 A I knew he was very, very involved with Kessler on it, and  
10 he had been very helpful for us with previous events.

11 Q Okay. And Mr. Kline checked in with you during the  
12 planning of Charlottesville 2.0?

13 A From time to time he would give me updates as to what him,  
14 Kessler, and whoever else they were working with had decided on  
15 things.

16 Q And you relied on him to coordinate with the other groups  
17 that were planning to participate in the event?

18 A I mostly relied on him just to give me information about  
19 what was going on.

20 Q Okay. Were you asked this question and did you give this  
21 answer in your deposition?

22 Question: "And you relied on Mr. Kline to coordinate with  
23 other groups that were planning to participate in UTR?"

24 Answer: "For any information involved with, yes, making  
25 decisions on that, yes."

N. Damigo - Direct

1 Do you remember testifying to that?

2 A That sounds about like what I just said. What page is  
3 that?

4 Q Sure. 224, line 25, to 225:5.

5 THE COURT: Well, if it sounds about like what he  
6 said, isn't that enough?

7 MS. PHILLIPS: It wasn't what he said, Your Honor.  
8 It was not what he said. What he said was he relied on  
9 Mr. Kline to give him information.

10 THE COURT: He said, "That sounds about like what I  
11 said."

12 MS. PHILLIPS: I understand, except for if you look  
13 at what his answer was, it was "I relied on Mr. Kline to  
14 provide me information." What he testified to in his  
15 deposition was that he relied on Mr. Kline -- yes, the answer  
16 to my question, which was to coordinate with other groups, was  
17 yes. So that's not what he testified to here.

18 THE COURT: Well, he just said today -- you said  
19 something and he said, "That sounds about like what I said."

20 MS. PHILLIPS: I understand that's what he said, and  
21 I'm showing him that that's not what he just testified to.

22 THE COURT: Well, what did you read to him -- what  
23 question did you ask first? Then he agreed with you, and now  
24 you're saying that you asked him -- tell him he said  
25 something -- did you suggest he said something he didn't say?

N. Damigo - Direct

1 MS. PHILLIPS: My question, Your Honor, was: "You  
2 relied on Mr. Kline" --

3 THE COURT: Okay. Look. I don't want to add to the  
4 time. My fault. Go ahead.

5 THE WITNESS: Which page was that that you're looking  
6 at?

7 MS. PHILLIPS: It was on 224.

8 THE COURT: And it would really help if you would  
9 just start out giving the page and let him -- and not go  
10 through all of this stuff and then go to the page where he's  
11 going to stop and look for it.

12 MS. PHILLIPS: Understood. Thank you.

13 BY MS. PHILLIPS:

14 Q Mr. Damigo, we'll move on.

15 IE was paying Mr. Kline a salary during the time period  
16 that he was planning Charlottesville 2.0 with Mr. Kessler,  
17 correct?

18 A I don't recall the specific dates. I know at some point  
19 that summer we were looking at starting to pay him.

20 Q Okay. Thank you. Just to refresh your recollection,  
21 we'll put up Plaintiffs' 1273C.

22 (Plaintiff Exhibit 1273C marked.)

23 MS. PHILLIPS: Mr. Spalding, if you can -- yeah. Can  
24 you show him his phone number, please?

25 BY MS. PHILLIPS:

N. Damigo - Direct

1 Q Do you recognize this as a text message between you and  
2 Mr. Kline?

3 A Yes, I do.

4 Q And you say, "I'm going to move forward tomorrow to get  
5 you on the payroll," correct?

6 A Yes, I see that.

7 Q And this is dated July 1st, 2017?

8 A Yes, it is.

9 Q So does it refresh your recollection now that Mr. Kline  
10 was on the payroll July 2 or around that time?

11 A That we were working to get him on the payroll. I'm not  
12 sure how long that took.

13 Q Understood. And at some point you --

14 MS. PHILLIPS: You can take that down, Mr. Spalding.  
15 Thank you.

16 BY MS. PHILLIPS:

17 Q At some point, Mr. Damigo, you nominated Mr. Kline to be  
18 the IE PR representative for Charlottesville 2.0, correct?

19 A I don't recall. It's been a really long time. It's been,  
20 like, four years.

21 Q Understood. I will see if this refreshes your  
22 recollection.

23 MS. PHILLIPS: Mr. Spalding, if you can bring up  
24 Plaintiffs' 1303, please.

25 (Plaintiff Exhibit 1303 marked.)



N. Damigo - Direct

1 BY MS. PHILLIPS:

2 Q Does that refresh your recollection, Mr. Damigo?

3 A That's language that Mr. Kessler used, not myself.

4 Q I understand that. I'm asking you if it refreshes your  
5 recollection that you nominated Mr. Kline to be the IE PR  
6 representative.

7 A I never used those words with Kessler when I spoke with  
8 him. When I had spoke with Kessler, I told him I probably  
9 wasn't even going to go to the event because I was too busy. I  
10 was in college and had a girlfriend, had a lot going on, and it  
11 was my understanding that Kline was already talking with him.  
12 So I said, yeah, just, you know, go ahead and talk to Kline,  
13 and he'll fill me in on whatever.

14 Q Okay. Thank you. You can take that down.

15 Moving on to Mr. Spencer, you exchanged text messages with  
16 Mr. Spencer that summer of 2017, correct?

17 A I'm sure I did.

18 Q You had Skype calls with him that summer leading up to  
19 Charlottesville 2.0?

20 A Probably.

21 Q Okay. And telephone conversations with him each month in  
22 the spring and summer of 2017?

23 A I know we had calls quite often. I was trying to help him  
24 with a college tour that he was trying to do and put on. So we  
25 were talking about various projects, I think, at that time.

N. Damigo - Direct

1 you did so in this text?

2 A Yes, I guess.

3 MR. SPENCER: Objection, she's misstating evidence.

4 That's August 4th, 2017, the fash loft was in Alexandria,

5 Virginia. This is deceptive presentation of evidence.

6 THE COURT: You can object, but I don't --

7 MR. SPENCER: What is the name of that exhibit?

8 MS. PHILLIPS: Sure. It is -- the number is 3084A.

9 And it's into evidence now.

10 We can take that down. Thank you.

11 BY MS. PHILLIPS:

12 Q Mr. Damigo, you would agree that IE, your organization,  
13 helped with a lot of the planning and organizing for UTR,  
14 correct?

15 A There were a lot of members involved with the organizing,  
16 yes.

17 Q Okay. Great. And that included Mr. Kline acting as one  
18 of the primary organizers, right?

19 A Yes. He was very involved with Kessler from my  
20 understanding.

21 Q Okay. And Erica Alduino was also involved for a time with  
22 the organizing; is that correct?

23 A I think so.

24 Q She was an IE member?

25 A Yes.

N. Damigo - Direct

1 Q And a Discord user called Ajax, he was also an IE member,  
2 correct?

3 A Yes, he was.

4 Q Okay. And he was involved with some organizational  
5 aspects of Charlottesville 2.0?

6 A I'm not sure.

7 Q Okay. And you gave IE -- excuse me, IE members permission  
8 to attend Charlottesville 2.0, correct?

9 A Yes, I did.

10 Q And IE members, at least some of them did attend, correct?

11 A Yes.

12 Q Okay. And you approved equipment for IE members to use at  
13 UTR, correct?

14 A Yes. Originally I had planned on banning --

15 Q It was a yes or no question, Mr. Damigo.

16 A Yes, I had.

17 Q You approved the use of shields, correct?

18 A Yes, I did.

19 Q You approved the use of helmets, correct?

20 A Yes, I did.

21 Q You approved the use of gloves, correct?

22 A Yes, I did.

23 THE COURT: All right. We'll take about a 15-minute  
24 recess -- 20-minute recess.

25 **(Jury out, 3:03 p.m.)**

N. Damigo - Direct

1 Q October 16, 2016, correct?

2 A Yes.

3 MS. PHILLIPS: We'd move to admit Plaintiffs' 0880,  
4 Your Honor, and publish it to the jury.

5 THE COURT: Be admitted.

6 (Plaintiff Exhibit 0880 marked.)

7 (Plaintiff Exhibit 0880 admitted.)

8 BY MS. PHILLIPS:

9 Q And in this post you write: "@everyone I need someone to  
10 make a fake Antifa account and stand by for further  
11 instructions."

12 You posted that, correct?

13 A Yes, I did.

14 MS. PHILLIPS: Mr. Spalding, let's show 0881.

15 BY MS. PHILLIPS:

16 Q Again, Mr. Damigo, I'll ask you if you recognize this  
17 Discord post by you, Fashy Haircut, also made on October 16,  
18 2016?

19 A Yes, I do.

20 MS. PHILLIPS: And I'd move to admit that as well,  
21 Your Honor -- that's Plaintiffs' 0881 -- and publish that to  
22 the jury, please.

23 THE COURT: Be admitted and may be published.

24 (Plaintiff Exhibit 0881 marked.)

25 (Plaintiff Exhibit 0881 admitted.)

N. Damigo - Direct

1 BY MS. PHILLIPS:

2 Q And you post: "Actually, as many people as possible need  
3 to create accounts. Create multiple if possible. Make them as  
4 realistic as you can, and then post the link to the account  
5 here so other people can follow them, making them look more  
6 realistic. I need a small, fake Antifa army."

7 And you posted that, correct?

8 A Yes, I did.

9 MS. PHILLIPS: Can you take that down, Matt? Thank  
10 you.

11 BY MS. PHILLIPS:

12 Q On August 12th, Mr. Damigo, you decided to stay at  
13 Emancipation Park after the state of emergency was declared and  
14 defy police orders, correct?

15 A Yes, that is correct.

16 Q And I believe you previously testified that Richard  
17 Spencer, Brodie Sutherland, Kilian Glish, and Evan McLaren  
18 stayed with you in the park; is that correct?

19 A Are you -- are you referring to something in the  
20 deposition?

21 Q I am, yes.

22 A Oh.

23 Q I can just read it into the record again.

24 Question: "Who else" --

25 THE COURT: Just a minute. Was that the juror or was

N. Damigo - Direct

1 that -- the person who left? Who left the courtroom?

2 BAILIFF: That was a reporter.

3 THE COURT: Oh. Go ahead. I'm sorry.

4 BY MS. PHILLIPS:

5 Q Were you asked this question and did you give this answer?

6 Question: "Who else decided to stay with you?"

7 Answer: "There were a number of other people. I recall  
8 Richard Spencer being there. I recall Brodie being there. I  
9 recall Kilian being there. And I think Evan McLaren was there,  
10 too."

11 Question -- we'll leave it at that. So --

12 A Sounds about right.

13 Q And you were arrested after you refused to leave the park?

14 A Yes, I was.

15 Q On the evening of August 12th, 2017, you attended an  
16 afterparty to celebrate with other rally attendees, correct?

17 A Yes, I did.

18 Q And people were celebrating, drinking, talking, and  
19 enjoying themselves?

20 A Yes, they were.

21 Q And in the wake of Charlottesville 2.0, you stated that  
22 you believed it was a huge success, correct?

23 A Yes. At the time I did state that and did believe that.

24 Q And you left Charlottesville and went and stayed with  
25 Mr. Spencer for a few days after Charlottesville 2.0, correct?

N. Damigo - Direct

1 (Plaintiff Exhibit 0846 marked.)

2 (Plaintiff Exhibit 0846 admitted.)

3 BY MS. PHILLIPS:

4 Q In this post, another IE member posts: "Today is a net  
5 victory. All of our guys who were there are great men."

6 Do you see that?

7 A Yes, I do.

8 MS. PHILLIPS: You can take that down. Thank you.

9 BY MS. PHILLIPS:

10 Q Now, after August 12th, 2017, Mr. Damigo, you were praised  
11 by IE members, correct?

12 A Yes, I believe some did.

13 MS. PHILLIPS: Mr. Spalding, if we could put up  
14 Plaintiffs' 0848, please.

15 BY MS. PHILLIPS:

16 Q Do you see if you look, Mr. Damigo, the fourth post down  
17 is by you, Fashy Haircut, on August 14, 2017.

18 Do you see that?

19 A Yes, I do.

20 MS. PHILLIPS: Your Honor, we'd move  
21 Plaintiffs' 0848, please, and publish it to the jury.

22 THE COURT: Be admitted. You may publish.

23 (Plaintiff Exhibit 0848 marked.)

24 (Plaintiff Exhibit 0848 admitted.)

25 BY MS. PHILLIPS:

N. Damigo - Direct

1 Q And the body says -- I'm sorry.

2 First, this is a text message from August 14th, 2017,  
3 correct?

4 A Yes, it is.

5 Q And the body says: "Should we shut down the intel server?  
6 Should I issue an announcement reminding our members not to  
7 talk to the police?"

8 A Yes, I see that.

9 Q We'll put up your response.

10 MS. PHILLIPS: If we can put up 1851B, please.

11 BY MS. PHILLIPS:

12 Q And Mr. Damigo, do you recognize this again as a text  
13 message between you and Patrick Casey?

14 A Yes, I see that.

15 Q This is also from August 14th, 2017?

16 A Yes, I see that.

17 Q And your response is: "Yes, on both accounts," correct?

18 A Correct.

19 Q You can put that down. Thank you.

20 MS. PHILLIPS: Oh, I'm sorry. Mr. Spalding reminds  
21 me that I should move this into evidence, Your Honor. I would  
22 like to admit 1851B and publish it to the jury, please.

23 THE COURT: Be admitted.

24 MS. PHILLIPS: Thank you.

25 (Plaintiff Exhibit 1851B marked.)



N. Damigo - Direct

1 (Plaintiff Exhibit 1851B admitted.)

2 BY MS. PHILLIPS:

3 Q Mr. Damigo, at the conclusion of Charlottesville 2.0, you  
4 praised Mr. Kline for his work in organizing the event,  
5 correct?

6 A I do not recall if I did or not.

7 Q Were you asked this question and did you give this answer?

8 Question: "So Mr. Kline was celebrated as doing an  
9 excellent job and deserving the highest praise from the entire  
10 organization, correct?"

11 Answer: "Yes."

12 Do you remember that?

13 A No. Is that somewhere in the deposition we went over?

14 Q It is. If you look in the 6-22 deposition, the second  
15 one, at 2:39.

16 THE COURT: If you'll tell me the -- just state the  
17 line.

18 MS. PHILLIPS: Sure. It's lines 17 through 20 in  
19 your 6-22-2020 deposition.

20 THE COURT: Members of the jury, the record shows  
21 that question was asked and that was his answer.

22 MS. PHILLIPS: Thank you, Your Honor.

23 BY MS. PHILLIPS:

24 Q Approximately two weeks after Charlottesville 2.0, you  
25 turned Identity Evropa over to Mr. Kline because you trusted

N. Damigo - Cross

1 him to lead the organization that you founded, correct?

2 A I had begun to hand it over to him. He was operating as  
3 the --

4 Q Is the answer yes?

5 A Well, no, because I never really fully handed it over to  
6 him.

7 Q Okay. Were you asked this question and did you give this  
8 answer?

9 Question: "Shortly after the Unite the Right rally you  
10 turned Identity Evropa over to Mr. Kline, correct?"

11 Answer: "That is correct."

12 A As the CEO.

13 MS. PHILLIPS: I have no further questions, Your  
14 Honor.

15 THE COURT: Thank you. All right.

16 Who wants to cross?

17 MR. KOLENICH: No questions, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. SPENCER:

20 Q Hello. My name is Richard Spencer and I am acting on my  
21 own behalf.

22 So, Mr. Damigo, you were the founder and leader of  
23 Identity Evropa?

24 A Yes, that is correct.

25 Q Was I, Richard Spencer, ever a member of Identity Evropa?

N. Damigo - Cross

1 Q On August 12th, just to remind everyone, were we staying  
2 in the same house or anything like that? Were we  
3 communicating?

4 A No.

5 Q Okay. Do you remember seeing me on August 12th?

6 A I might have seen you in the -- yeah, I did see you August  
7 12th, yeah.

8 Q Okay. So when we -- everyone had to deal with entering  
9 the park, entering Lee or Emancipation Park on August 12th.  
10 How did you do that?

11 A There had been a bunch of vans that had been rented out  
12 and they were supposed to, from what I was told, they were  
13 supposed to go directly to the front of the park and drop  
14 people off so they didn't have to walk between  
15 counter-protesters and there wouldn't be any sort of scuffles  
16 or any problems. And for whatever reason, I was told by Kline  
17 that morning that the law enforcement was changing up  
18 everything --

19 MS. PHILLIPS: Objection, Your Honor.

20 THE WITNESS: -- and they weren't --

21 MS. PHILLIPS: I would object on the basis of  
22 hearsay. He's testifying about what somebody else told him.

23 THE COURT: All right. Sustained.

24 BY MR. SPENCER:

25 Q You mentioned these vans. Who rented these vans?

N. Damigo - Cross

1 A I'm not sure who actually went and rented them, but we had  
2 been asked to donate -- we as in IE had been asked to donate  
3 money for them. And it was explained to me that it would be  
4 for the purpose of getting everyone to the park safely. And so  
5 I thought it was a good idea and I put the money up. I think  
6 it was like \$600 or maybe a little bit more. I don't remember  
7 the exact amount.

8 Q Did I put up any money for these vans to your knowledge?

9 A Not to my knowledge, no.

10 Q Did I ride in these vans?

11 A I do not know.

12 Q Okay. That's fine. So how did you enter the park on  
13 August 12th; do you remember?

14 A So myself and multiple other people were dropped off about  
15 two blocks away from the park, and I remember it being strange  
16 because I thought we were supposed to be getting out right at  
17 the park. And again, I was told, no, everything has been  
18 changed up. So we're getting out here two blocks away. And as  
19 I turned around, I think -- is that Market Street that was the  
20 road that everybody was going down?

21 Q I believe so, if I can represent that.

22 A So there was just a lot of people heading in that  
23 direction. We all kind of just jumped in. There was -- as we  
24 got closer to the park, there were counter-protesters  
25 surrounding us on all sides, and we just -- I was a little

N. Damigo - Recross

1 MS. KAPLAN: Your Honor, he already crossed -- he  
2 already spoke.

3 MR. SPENCER: I know. I missed something under our  
4 notes.

5 MS. KAPLAN: Your Honor, we're under great time  
6 pressure here. He doesn't get two chances to cross-examine.

7 THE COURT: Well, no, you don't get two chances, but  
8 I've never been in a case where somebody said they forgot to  
9 ask a question and we didn't let them ask it.

10 MR. SPENCER: Thank you. I'll be very brief.

11 RECROSS-EXAMINATION

12 BY MR. SPENCER:

13 Q You testified today that Eli Kline, also known as Eli  
14 Mosley, joined Identity Evropa in September of 2016. Does that  
15 sound about right?

16 A Yes.

17 Q Was Eli Kline in my employ or, to your knowledge, did I  
18 know Eli Kline at that point when he joined?

19 THE COURT: He doesn't know who you know.

20 MR. SPENCER: Fair enough.

21 BY MR. SPENCER:

22 Q Was Eli Kline ever on the IE payroll? There was a  
23 discussion of this mention made.

24 A I believe he was shortly. It was a very short period of  
25 time, but I think he was.

Sines, et al. v. Kessler, et al., 3:17CV72, 11/10/2021

1 C E R T I F I C A T E

2 I, Lisa M. Blair, RMR/CRR, Official Court Reporter for  
3 the United States District Court for the Western District of  
4 Virginia, appointed pursuant to the provisions of Title 28,  
5 United States Code, Section 753, do hereby certify that the  
6 foregoing is a correct transcript of the proceedings reported  
7 by me using the stenotype reporting method in conjunction  
8 with computer-aided transcription, and that same is a  
9 true and correct transcript to the best of my ability and  
10 understanding.

11 I further certify that the transcript fees and format  
12 comply with those prescribed by the Court and the Judicial  
13 Conference of the United States.

14 /s/ Lisa M. Blair

Date: November 10, 2021

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# **PLAINTIFFS' EXHIBIT 8**

Sines, et al. v. Kessler, et al., 3:17CV72, 11/11/2021

1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF VIRGINIA  
3 CHARLOTTESVILLE DIVISION

\*\*\*\*\*

4 ELIZABETH SINES, ET AL., CIVIL CASE NO.: 3:17CV72  
5 NOVEMBER 11, 2021, 9:00 AM  
6 JURY TRIAL, DAY 14

Plaintiffs,

7 vs.

Before:

HONORABLE NORMAN K. MOON

UNITED STATES DISTRICT JUDGE

8 JASON KESSLER, ET AL.,

WESTERN DISTRICT OF VIRGINIA

9 Defendants.

10 \*\*\*\*\*

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25 PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY;  
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Sines, et al. v. Kessler, et al., 3:17CV72, 11/11/2021

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A. Muniz - Direct

1 BY MS. PHILLIPS:

2 Q Ms. Muñiz, do you recognize this photograph?

3 A Yes, I do.

4 MS. PHILLIPS: And Mr. Spalding, are you able to pull  
5 the photograph down so that we -- there we go. Thank you very  
6 much.

7 BY MS. PHILLIPS:

8 Q Do you see yourself in this photograph?

9 A Yes, I do.

10 MS. PHILLIPS: Your Honor, I'd like to introduce  
11 Plaintiffs' 1692 and publish it to the jury, please.

12 THE COURT: Be admitted.

13 (Plaintiffs' Exhibit 1692 admitted.)

14 BY MS. PHILLIPS:

15 Q Ms. Muñiz, again, can you circle yourself so the jury can  
16 see you in this picture?

17 A Yes. (Witness complies.) Maybe.

18 Q Is that you right there?

19 A Yes, that is me.

20 Q What happened after you saw the vehicle come down and hit  
21 individuals and these other cars?

22 A Immediately after, I stood there for a few seconds and  
23 looked at the carnage that was in front of me. And very  
24 quickly, that Dodge Challenger backed up, just as quickly as it  
25 had come down the hill. And when it did that, it hit more

A. Muniz - Direct

1 people.

2       You can kind of see in this picture -- let me see if I can  
3 draw here. This actually is Marcus Martin, and he's leaning on  
4 a truck there. And as I recall, he actually cleared that  
5 truck, but there was another person standing right there as  
6 this car was backing up. And it squished her between the  
7 Challenger and the truck, really right in my view.

8 Q       How did you feel when you saw the car backing away?

9 A       I was terrified. And I had an immediate sense that the  
10 only reason he would be backing away would be to come right  
11 back at us to plow us all down.

12 Q       What did you do after that?

13 A       Many people started yelling, "Run, run, run." And I did.  
14 I ran down the hill in that direction and around the corner.  
15 This is the Charlottesville Albemarle Community Foundation  
16 building, and there's an alcove right on Water Street, and I  
17 tucked in there to hide.

18 Q       At some point, did you leave the scene?

19 A       Yes. I left there rather quickly because other people  
20 were doing the same thing and they filled it up. And I had  
21 already experienced feeling like I was going to get trampled  
22 when I was running there. I had stepped over injured people,  
23 and so I was very fearful of getting trampled. And I left that  
24 alcove and crossed Water Street, and then turned back to look  
25 at what had just happened.

A. Muniz - Direct

1 once a week, and then once a month. Now I'm really seeing her  
2 on an as-needed basis, but, you know, every few months we have  
3 a check-in.

4 Q Did that certified trauma specialist ever provide you with  
5 a diagnosis?

6 A She did. In fact, she's provided me with two diagnoses.

7 The first was acute stress disorder, which -- people are  
8 more familiar with the second diagnosis, which is  
9 post-traumatic stress disorder. Acute stress disorder is  
10 similar to that, but it's bound by a time frame. It happens to  
11 trauma victims either immediately at trauma or within the first  
12 month. If you go longer than those first four weeks, it turns  
13 into, diagnostically, PTSD.

14 Q Do you suffer from triggers, Ms. Muñiz?

15 A Oh, yes.

16 Q What kind of things trigger you?

17 A A variety of things trigger me. A lot of them are related  
18 to cars, no doubt. Whenever I see a Dodge Challenger -- the  
19 Charlottesville Police Department has a Dodge Challenger with  
20 tinted windows that looks just like that, so I see that pass by  
21 me more often than I'd like.

22 For a while, lots of white cars in a row would trigger me,  
23 because there were so many just rented white vans and cars in  
24 town that day.

25 The sound of a helicopter triggers me because there was a

Sines, et al. v. Kessler, et al., 3:17CV72, 11/11/2021

1 C E R T I F I C A T E

2 I, Lisa M. Blair, RMR/CRR, Official Court Reporter for  
3 the United States District Court for the Western District of  
4 Virginia, appointed pursuant to the provisions of Title 28,  
5 United States Code, Section 753, do hereby certify that the  
6 foregoing is a correct transcript of the proceedings reported  
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9 true and correct transcript to the best of my ability and  
10 understanding.

11 I further certify that the transcript fees and format  
12 comply with those prescribed by the Court and the Judicial  
13 Conference of the United States.

14 /s/ Lisa M. Blair

Date: November 11, 2021

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# **PLAINTIFFS' EXHIBIT 9**

Sines, et al. v. Kessler, et al., 3:17CV72, 11/12/2021

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

\*\*\*\*\*

ELIZABETH SINES, ET AL., CIVIL CASE NO.: 3:17CV72  
NOVEMBER 12, 2021, 8:56 AM  
JURY TRIAL, DAY 15

Plaintiffs,

vs.

Before:

HONORABLE NORMAN K. MOON

UNITED STATES DISTRICT JUDGE

JASON KESSLER, ET AL.,

WESTERN DISTRICT OF VIRGINIA

Defendants.

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Sines, et al. v. Kessler, et al., 3:17CV72, 11/12/2021

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S. Reavis - Direct

1 the jury.

2 MR. CANTWELL: Thank you.

3 MS. DUNN: Thank you.

4 THE COURT: Thank you.

5 **(Jury in, 9:02 a.m.)**

6 THE COURT: All right. Good morning, ladies and  
7 gentlemen. Happy to see you all here today. We are ready to  
8 proceed. Next witness?

9 MS. KAPLAN: Your Honor, plaintiffs call Sharon  
10 Reavis to the stand. And I think Ms. Dunn just went outside to  
11 get her.

12 SHARON L. REAVIS, CALLED BY THE PLAINTIFFS, SWORN

13 MS. PHILLIPS: May I begin?

14 THE COURT: You may proceed.

15 DIRECT EXAMINATION

16 BY MS. PHILLIPS:

17 Q Good morning, Ms. Reavis.

18 A Good morning.

19 Q Will you please state your full name?

20 A Sure. Sharon L. Reavis, R-E-A-V-I-S.

21 Q Ms. Reavis, will you please describe your educational  
22 background?

23 A I'm a registered nurse. I'm a graduate from a  
24 hospital-based school of nursing. I have a bachelor's degree  
25 in healthcare administration, a master's degree in

S. Reavis - Direct

1 And then I went about developing the life care plan by  
2 having a conference with Dr. Gwathmey, who was his surgeon, and  
3 still is, at UVA. And we collaborated on the plan and then I  
4 brought Mr. Baker in on the plan to see if that was a plan he  
5 was willing to follow and felt that it was helpful to him.

6 After that I went about to develop the cost of the care  
7 and to find the services; in other words, where was he going to  
8 get this and what was it going to cost? And the way I do that,  
9 I have a market survey that I utilize. That means I talk  
10 directly to the providers to determine what the care would cost  
11 and if they have the availability and the proper qualifications  
12 to provide the care. And then I do comparisons.

13 And medical care is coded. For instance, if you go to  
14 your doctor and it's just a short visit, you know, under 20  
15 minutes, then he's going to charge you a 99213 CPT code.  
16 That's the codes they go by. If you go in the hospital,  
17 they're going to give you an ICD-9 code. So those are the  
18 things that identify what service you're getting, the extent of  
19 service, and what the cost would be, so I can go back and make  
20 comparisons based on what is available and whether it's a  
21 reasonable cost within that particular code.

22 Q Ms. Reavis, may I show you a chart we marked PX-4020.  
23 Mr. Spalding, if you'd bring up the first slide, please.

24 Is this a chart summarizing your life care plan for  
25 Mr. Baker?

S. Reavis - Direct

1 THE COURT: Be admitted.

2 (Plaintiff Exhibit 4021 admitted.)

3 BY MS. PHILLIPS:

4 Q Ms. Reavis, there are some additional categories listed  
5 under Mr. Martin's life care plan that we did not see, for  
6 example, in Mr. Baker's. Can you describe, for example, the  
7 vocational services category?

8 A Sure. Mr. Martin has an injury to his right ankle that  
9 has been problematic ongoing. He did have surgical procedures,  
10 but he continues to have chronic pain. And there are areas  
11 that are difficult for him and areas he should avoid. He's had  
12 several occupations that haven't been successful for him. And  
13 just recently he started another job, which is heavy equipment.  
14 It does allow him to be sedentary, but he has difficulty  
15 getting in and out of the equipment because he has to slide  
16 down out of the heavy equipment so that he won't re-injure his  
17 ankle and avoid pain. And it's also probably not the best job  
18 for him because of the vibration. He has trouble with uneven  
19 terrain, etc.

20 So I really think the best thing for him, and in  
21 discussion with Dr. Gwathmey, is to have some counseling to see  
22 if we can find a job that might be a little less rigorous for  
23 him and not aggravate his chronic pain. It might require  
24 retraining, it might require additional education, but that  
25 would be in his best interest to avoid potential other surgical

E. Sines - Direct

1 And I see her regularly now.

2 Q Was there anything that particularly prompted you to start  
3 therapy?

4 A Yeah. I think things were just getting -- like, it was  
5 just getting a lot tougher to be able to focus on my work. And  
6 I was here this summer for a few days because my friends --  
7 well, I guess it was only one day. We were on a road trip and  
8 we stopped in Charlottesville, and I was walking right on the  
9 corner with my friends. We picked up Roots, and we were --  
10 which is a restaurant, bringing food from a restaurant. We  
11 were talking towards the statue and I had, like, a flashback of  
12 everything that had happened and I started to have a panic  
13 attack. And I had never had a panic attack in public before.  
14 That was very new to me. And it just felt like I needed help.  
15 And I finally realized, like, I wasn't going to be able to do  
16 it on my own.

17 Q Have you received any diagnoses in the treatment you were  
18 getting?

19 A Yes, I have. I've been diagnosed with PTSD from the  
20 events of 8-11 and 8-12, and major depressive disorder related  
21 to my PTSD.

22 Q What kind of symptoms do you have associated with the  
23 PTSD?

24 A Yeah, I have flashbacks, nightmares, and just generalized  
25 anxiety about those events.

J. Schoep - Cross

C E R T I F I C A T E

I, Lisa M. Blair, RMR/CRR, Official Court Reporter for the United States District Court for the Western District of Virginia, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings reported by me using the stenotype reporting method in conjunction with computer-aided transcription, and that same is a true and correct transcript to the best of my ability and understanding.

I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

/s/ Lisa M. Blair

Date: November 12, 2021